

ORDINANCE NO.

1

2

3 AN ORDINANCE OF THE CITY COUNCIL OF THE

4 CITY OF LONG BEACH AMENDING THE LONG BEACH

5 MUNICIPAL CODE BY AMENDING SECTIONS 5.90.030 AND

6 5.90.060, BY ADDING SECTION 5.90.310; AND, BY

7 AMENDING AND RESTATING CHAPTER 5.92, ALL

8 RELATING TO THE REGULATION OF CANNABIS RETAIL

9 STOREFRONT (DISPENSARY) BUSINESS LICENSES AND

10 THE CANNABIS SOCIAL EQUITY PROGRAM

11

12 WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social

13 Equity Program (Equity Program) to support equal opportunity in the cannabis industry by

14 making legal cannabis business ownership and employment opportunities more

15 accessible to low-income individuals and communities most impacted by the

16 criminalization of cannabis, also known as the War on Drugs; and

17 WHEREAS, a feasibility analysis was conducted on licensing and regulating

18 up to eight additional cannabis dispensary business licenses in Long Beach to be made

19 available exclusively to verified equity applicants in the Equity Program; and

20 WHEREAS, based upon the results of the feasibility analysis, City staff

21 prepared an ordinance to allocate eight new cannabis dispensary business licenses to be

22 made exclusive to verified equity applicants using a merit-based application process that

23 includes a Request for Proposals (“RFP”) in the selection of the equity dispensaries; and

24 WHEREAS, City staff determined a fair and equitable way to allocate eight

25 new cannabis dispensary business licenses and ensure that the best qualified Equity

26 Program participants are selected, is through a Request for Proposals (“RFP”) process

27 that utilizes criteria to evaluate the ability for an equity applicant or group of equity

28 applicants in the Equity Program to successfully apply for and operate a retail storefront

1 dispensary.

2 NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
3 follows:

4  
5 Section 1. Section 5.90.030 of the Long Beach Municipal Code is  
6 amended to read as follows:

7 5.90.030 Medical Marijuana Business License Permit.

8 Except as otherwise set forth in this Chapter, it shall be unlawful for  
9 any person or entity to operate, in or upon any property, a Medical  
10 Marijuana Business without first obtaining all required State licenses and a  
11 business license or permits issued by the City. Each State license type  
12 available in the MMRSA is eligible to apply for a City Business License  
13 Permit. Medical Marijuana Business shall be considered a personal service  
14 type business in the City of Long Beach (as defined in section 21.15.2020)  
15 with respect to issuing a Business License Permit and setting application  
16 and license fees. Until the regulatory implementation of the MMRSA, the  
17 Medical Marijuana Business license permits shall be issued without regard  
18 to the fact the State license has not been issued. Failure to timely obtain  
19 required State licenses or permits shall be grounds for suspension or  
20 revocation of any permit or license issued by the City. Upon the regulatory  
21 implementation of the MMRSA, unless otherwise set forth in this Chapter,  
22 no person shall engage in commercial cannabis activity or in the activities of  
23 a Medical Marijuana Business without possessing all applicable State  
24 licenses and all applicable City permits and licenses. Revocation of a State  
25 license shall constitute grounds for the City to suspend or revoke any permit  
26 or license issued by the City.

27 A Medical Marijuana Business that is operating in compliance with  
28 this Chapter and other State and local laws on or before January 1, 2018,

1 may continue its operations until its application for State licensure is  
2 approved or denied by the licensing authority.

3 A Medical Marijuana Business must at all times maintain liability  
4 insurance having aggregate policy limits in an amount not less than one  
5 million dollars (\$1,000,000.00).

6 The City may impose an annual business license fee no greater than  
7 one hundred fifty percent (150%) of the average business license fee the  
8 city charges for non-cannabis related personal service business. Failure to  
9 timely pay the annual business license fee shall be grounds for suspension  
10 or revocation of the business license. Applicants that previously paid an  
11 application fee pursuant to former Chapter 5.87 may, at the applicant's  
12 discretion, have any un-refunded fee applied as credit against any fees  
13 applicable under this Section. All Medical Marijuana Businesses shall be  
14 subject to an annual regulatory inspection by the City to insure compliance  
15 with all of the applicable provisions of this Chapter and to confirm  
16 compliance with the business license permit issued by the City.

17 It shall be unlawful for the owner of a building to allow the use of any  
18 portion of a building by a Medical Marijuana Business unless the tenant has  
19 a valid business license permit, or has applied for and not been denied, a  
20 business license permit. Each owner of a building whose tenant is a Medical  
21 Marijuana Business License Permit applicant shall execute an  
22 acknowledgement that the Applicant has the owner's permission and  
23 consent to operate a Medical Marijuana Business at the subject property.

24 Each Medical Marijuana Business shall designate a Community  
25 Relations Liaison (hereinafter, the "Liaison"), who shall be at least twenty-  
26 one (21) years of age; and shall provide the Liaison's name to the City  
27 Manager. The Liaison shall receive all complaints received by the City  
28 Manager regarding the Medical Marijuana Dispensary, and make good faith

1 attempts to promptly resolve all complaints. To address community  
2 complaints and concerns, the name and telephone number for the Liaison  
3 shall be made publicly available. Each Medical Marijuana Business Liaison  
4 is required to respond by phone or email within three (3) business days of  
5 contact by a city official concerning the Medical Marijuana Business. The  
6 name and contact information for Liaison of the medical marijuana business  
7 shall be conspicuously posted on the main entry doors to the business.

8 No pesticides or insecticides prohibited by federal, State, or local law  
9 for fertilization or production of edible produce may be used on any  
10 marijuana cultivated, produced or distributed by a Medical Marijuana  
11 Business. A Medical Marijuana Business shall comply with all applicable  
12 federal, State, and local laws regarding use and disposal of pesticides and  
13 fertilizers.

14 No Medical Marijuana Business may be operated in an area zoned  
15 exclusively for residential use. No Medical Marijuana Dispensary may be  
16 located within a six-hundred (600) foot radius of a public or private school  
17 (as defined in Health and Safety Code Section 11362.768(h)), or within a  
18 six-hundred (600) foot radius of a day care center, playground, community  
19 center, or library, or within one thousand (1,000) feet of another dispensary.  
20 No Medical Marijuana Business may be located within a one-thousand  
21 (1,000) foot radius of a public or private school (as defined in Health and  
22 Safety Code § 11362.768(h)) or public beach, or within a six hundred foot  
23 (600') radius of a public park or public library, with the exception of  
24 dispensaries which must follow the location requirements above. The  
25 distances specified in this subdivision shall be determined by the horizontal  
26 distance measured in a straight line from the property line of the school,  
27 park or library to the closest property line of the lot on which the Medical  
28 Marijuana Business is located, without regard to intervening structures.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Section 2. Section 5.90.060 of the Long Beach Municipal Code is amended to read as follows:

5.90.060 Medical Marijuana Dispensary Operating Conditions and Restrictions.

Every person and entity operating as a Medical Marijuana Dispensary in the City shall comply with the following operating conditions and restrictions. No Medical Marijuana Dispensary may operate within the City of Long Beach without meeting the following conditions:

A Medical Marijuana Dispensary shall not be located within a one thousand foot (1,000') radius of any other Medical Marijuana Dispensary.

A sign shall be posted in a conspicuous location inside each Property advising: (a) It is a violation of State Law to engage in the sale of marijuana or the diversion of marijuana for non-medical purposes; (b) The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery; (c) Loitering at the location of a Medical Marijuana Business for an illegal purpose is prohibited by Penal Code § 647(h); (d) This Medical Marijuana Business is licensed in accordance with the laws of the City of Long Beach; (e) Your membership will be terminated if you engage in the illegal sale or diversion of Medical Marijuana.

Representative samples of Medical Marijuana distributed by the Business shall be analyzed by an independent laboratory to ensure that they are free of harmful pesticides and other contaminants regulated under local, state or federal law.

No person, other than a patient, caregiver, licensee, employee, or a contractor shall be in the medical marijuana dispensary room. No patient shall be allowed entry into the medical marijuana dispensary room without showing a valid State issued picture Driver's License or Identification. A

1 Medical Marijuana Dispensary may distribute, dispense, deliver or transport  
2 medical marijuana only in accordance with this Chapter and State law.

3 The number of licensed and permitted Medical Marijuana  
4 Dispensaries shall be limited to not less than one (1) Medical Marijuana  
5 Dispensary business for every eighteen thousand (18,000) residents in the  
6 City of Long Beach or not more than one (1) Medical Marijuana Dispensary  
7 business for every fifteen thousand (15,000) residents in the City of Long  
8 Beach. The population of the City shall be based on the official census  
9 population estimate as periodically updated by the US Department of  
10 Commerce, United States Census Bureau. The City Council may increase  
11 the number of licensed and permitted medical marijuana dispensaries  
12 pursuant to this Chapter but may not reduce them below the thresholds set  
13 forth herein. The City Manager shall issue the maximum number of licenses  
14 permitted by this Section unless otherwise directed by the City Council. The  
15 total number of permitted Medical Marijuana Dispensaries in the City is set  
16 at 40, with eight (8) dispensaries designated to be owned by cannabis  
17 equity businesses pursuant to Section 5.90.310. The eight (8) Medical  
18 Marijuana Dispensaries owned by cannabis equity businesses shall be  
19 selected via a Request for Proposals (RFP) process as outlined in  
20 regulations set forth by the City Manager, or their designee, and shall not be  
21 selected using the procedures outlined in Sections 5.90.070 and 5.90.080 of  
22 this Chapter.

23 The City will not accept applications from any of the thirty two (32)  
24 existing cannabis dispensary businesses to change their business location  
25 for one hundred eighty (180) days from the date the City awards the eight  
26 (8) Equity Dispensary Businesses to move forward in the licensing process,  
27 or until all Equity Dispensary Businesses have provided the complete,  
28 notarized Property Owner Authorization for the business premises in the

1 business license application, whichever occurs sooner.

2

3 Section 3. Section 5.90.310 is hereby added to the Long Beach  
4 Municipal Code to read as follows:

5 5.90.310 Implementation of the Cannabis Social Equity Program.

6 A. The Cannabis Equity Program provisions outlined in Chapter  
7 5.92 of this Code shall be applicable to any Medical Marijuana Business  
8 who meets the criteria of the program.

9 B. An equity applicant or a group of equity applicants applying for  
10 a Medical Marijuana Business Permit as an equity business shall receive  
11 the same assistance and benefits as an equity business applying for an  
12 Adult-Use Cannabis Business Permit pursuant to Chapter 5.92 of this  
13 Code.

14 C. The City Manager is authorized to make reasonable rules,  
15 policies, and procedures consistent with the intent and spirit of Chapter 5.92  
16 of this Code to develop and implement an administrative program for this  
17 Equity Program. Regulations promulgated by the City Manager become  
18 effective upon date of publication, unless specified otherwise.

19

20 Section 4. Chapter 5.92 of the Long Beach Municipal Code is hereby  
21 amended and restated to read as follows:

22

Chapter 5.92

23

ADULT-USE CANNABIS BUSINESSES AND ACTIVITIES

24

25

DIVISION I - PURPOSE AND DEFINITIONS

26

5.92.010 Purpose and intent.

27

It is the purpose and intent of this Chapter to:

28

A. Regulate the cultivation, possession, manufacture,

1 distribution, processing, storing, laboratory testing, packaging, labeling,  
2 transportation, delivery, and sale of cannabis goods for adults twenty-one  
3 (21) years of age and over, and co-located medicinal and adult-use  
4 commercial cannabis activities, in a manner that promotes and protects the  
5 health, safety, and welfare of the residents, neighborhoods, and businesses  
6 in the City and mitigates the costs to the community for the oversight of  
7 these activities.

8 B. Enforce rules and regulations consistent with State law  
9 pursuant to the MAUCRSA and any related or successor laws and  
10 regulations implemented by the State or any of its departments or divisions.

11 C. Regulate commercial cannabis activity in the City concurrently  
12 with the State.

13 5.92.020 General provisions.

14 A. Legal authority. Pursuant to Sections 5 and 7 of Article XI of  
15 the California Constitution and provisions of the MAUCRSA, as it may be  
16 amended from time to time and any subsequent State legislation or  
17 regulations regarding same, the City is authorized to adopt ordinances that  
18 establish standards, requirements, and regulations for local licenses and  
19 permits for commercial cannabis activity involving adult-use cannabis. Any  
20 standards, requirements, and regulations regarding health and safety,  
21 security, welfare, and worker protections established by the State, or any of  
22 its departments or divisions, are the minimum standards applicable to  
23 commercial cannabis activity in the City.

24 B. Conflict of law. This Chapter is not intended to interfere with,  
25 abrogate, or annul any other ordinance, resolution, regulation, statute, or  
26 other provision of law. In the event of any conflict between the provisions of  
27 this Chapter and any other applicable State or local law or regulation, the  
28 more restrictive provision shall control.



1 C. Nothing in this Chapter is intended, nor shall it be construed  
2 to:

3 3. Interfere with an employer's rights and obligations to  
4 maintain a drug and alcohol free workplace or require an employer to allow  
5 or accommodate the use, consumption, possession, transfer, display,  
6 transportation, sale, or growth of cannabis in the workplace, or affect the  
7 ability of an employer to have policies prohibiting the use of cannabis by  
8 employees or prospective employees, or prevent employers from complying  
9 with local, State, or federal law.

10 4. Interfere with the right of any property owner from  
11 restricting or prohibiting any of the actions or conduct otherwise permitted  
12 under California Health and Safety Code Section 11362.1 on said property  
13 owner's privately owned real property.

14 5. Condone or legalize the possession, use, consumption,  
15 transportation, sale, or any other use of cannabis or cannabis products that  
16 are otherwise prohibited under State law.

17 6. Require the City to allow, permit, license, authorize, or  
18 otherwise regulate commercial cannabis activity, or to abridge the City's  
19 police power with respect to enforcement regarding commercial cannabis  
20 activity, or to restrict or otherwise limit the enforcement authority conferred  
21 upon the City, or any State agency, by other provisions of this Code or  
22 State law.

23 7. Exempt any commercial cannabis activity from any  
24 applicable local and State building, electrical, plumbing, land use, or any  
25 other building or land use standards or permitting requirements.

26 D. Adult-Use Cannabis Businesses, adult-use commercial  
27 cannabis activity, and Co-Located Cannabis Businesses shall only be  
28 allowed in compliance with this Chapter and all applicable provisions set

1        forth in this Code, including but not limited to, the cannabis business tax  
2        ordinance pursuant to Chapter 3.80 of this Code, and all regulations  
3        governing the land use, building, grading, plumbing, septic, electrical, fire,  
4        hazardous materials, nuisance, and public health and safety.

5                E.        If the State prohibits the cultivation, possession, manufacture,  
6        processing, storing, laboratory testing, labeling, transporting, distribution,  
7        delivery, or sale of cannabis goods through Adult-Use Cannabis  
8        Businesses, or if a court of competent jurisdiction determines that the  
9        federal government's prohibition of the sale, cultivation, manufacture,  
10       possession, or other distribution of cannabis goods through Adult-Use  
11       Cannabis Businesses supersedes State law, any permit issued pursuant to  
12       this Chapter shall be deemed to be immediately revoked by operation of  
13       law with no ground for appeal, or other redress, on behalf of any Adult-Use  
14       Cannabis Business.

15       5.92.030       Definitions.

16                The definitions set forth in California Business and Professions Code  
17       Section 26000 et seq. shall apply to this Chapter and are hereby incorporated by  
18       reference. Any reference to State statutes includes any regulations promulgated  
19       thereunder and is deemed to include any successor or amended version of the  
20       referenced statute or regulatory provision. Unless otherwise defined herein, and  
21       unless otherwise clearly apparent from the context, the following terms as used in  
22       this Chapter shall have the meanings set forth in this Section:

23                A.        “Accreditation Body” means an impartial non-profit  
24       organization that operates in conformance with the International  
25       Organization for Standardization (ISO)/International Electrotechnical  
26       Commission (IEC) standard 17011 and is a signatory to the International  
27       Laboratory Accreditation Cooperation (ILAC) Mutual Recognition  
28       Arrangement (MRA) for Testing.

1           B.     “Administrative Hold” means an order by the City Manager  
2 prohibiting the movement, removal, transport, use, treatment, or disposal of  
3 a material that is, or is suspected of being, adulterated, misbranded, or  
4 hazardous waste that is being mismanaged or that the City Manager has  
5 reason to suspect is, or will be, managed in violation of this Chapter.

6           C.     “Adulterated” shall have the same meaning as California  
7 Business and Professions Code Section 26131.

8           D.     “Adult-Use Cannabis” means cannabis or cannabis products  
9 for adults twenty-one (21) years of age or older who do not possess a  
10 physician’s recommendation.

11          E.     “Adult-Use Cannabis Business” means any person, entity, or  
12 operation, in whole or in part, whether operating for-profit or not-for-profit,  
13 and all associated owners, employees, managers, and agents, engaged in  
14 adult-use commercial cannabis activity.

15          F.     “Adult-Use Cannabis Business Permit” or “Permit” means one  
16 (1) document issued by the City to reflect the regulatory business permit  
17 issued pursuant to the provisions of this Chapter and Title 5 of this Code,  
18 and a business license issued pursuant to Chapter 3.80 of this Code,  
19 authorizing the holder thereof to operate an Adult-Use Cannabis Business  
20 and to conduct adult-use commercial cannabis activities.

21          G.     “Applicant” means a person or entity who has submitted an  
22 application for an Adult-Use Cannabis Business Permit pursuant to this  
23 Chapter, including any individual, officer, director, partner, or other duly  
24 authorized representative applying on behalf of an entity.

25          H.     “Batch” means a specific quantity of homogeneous cannabis  
26 or cannabis product that is either a harvest batch or a manufactured  
27 cannabis batch.

28          I.     “Batch Number” or “Lot Number” means any distinct group of

1 numbers, letters, or symbols, or any combination thereof, assigned to a  
2 unique group of cannabis goods, from which the complete history of the  
3 commercial cannabis activity involving the cannabis goods can be  
4 determined, as required by State law.

5 J. "Cannabinoid" means any of the chemical compounds that are  
6 the active principles of cannabis.

7 K. "Cannabis" or "Plant" means all of the following:

8 1. All parts of the plant *cannabis sativa linnaeus*, *cannabis*  
9 *indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the  
10 resin, whether crude or purified, extracted from any part of the plant; and  
11 every compound, manufacture, salt, derivative, mixture, or preparation of  
12 the plant, its seeds, or resin.

13 2. The separated resin, whether crude or purified,  
14 obtained from cannabis.

15 3. "Cannabis" as defined by California Health and Safety  
16 Code Section 11018.

17 4. "Cannabis" does not include the mature stalks of the  
18 plant, fiber produced from the stalks, oil or cake made from the seeds of the  
19 plant, any other compound, manufacture, salt, derivative, mixture, or  
20 preparation of the mature stalks (except the resin extracted therefrom),  
21 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of  
22 germination.

23 5. For purposes of this Chapter, "Cannabis" does not  
24 mean industrial hemp as defined by California Health and Safety Code  
25 Section 11018.5.

26 L. "Cannabis Concentrate" or "Concentrate" means cannabis  
27 that has undergone a process to concentrate one (1) or more active  
28 cannabinoids, thereby increasing the product's potency. For purposes of

1 this Chapter, “Cannabis Concentrate” includes, but is not limited to, the  
2 separated resin obtained from cannabis, whether crude or purified,  
3 tinctures, capsules, suppositories, extracts, and vape cartridges. “Cannabis  
4 Concentrate” is not considered food, as defined by California Health and  
5 Safety Code Section 109935, or a drug, as defined by California Health and  
6 Safety Code Section 109925.

7 M. “Cannabis Facility” or “Facility” means a permanent structure  
8 in a fixed location that contains the permitted premises of one (1)  
9 Commercial Cannabis Business or where the permitted premises of two (2)  
10 or more Commercial Cannabis Businesses are located.

11 N. “Cannabis Goods” means cannabis and/or cannabis products.

12 O. “Cannabis Product” or “Manufactured Cannabis Product” or  
13 “Product” means cannabis that has undergone a process whereby the plant  
14 material is transformed into a concentrate for internal consumption or  
15 topical application, including, but not limited to, concentrated cannabis, an  
16 edible cannabis product, or a topical cannabis product containing cannabis  
17 or concentrated cannabis in combination with other ingredients.

18 P. “Cannabis Public Health Permit” means a written authorization  
19 issued by the Long Beach Health Department to operate an Adult-Use  
20 Cannabis Business pursuant to this Chapter.

21 Q. “Cannabis Waste” means waste that is generated from a  
22 commercial cannabis activity that contains cannabis or cannabis products.

23 R. “Canopy” means the designated area(s) at a permitted  
24 premises, except nurseries, that will contain mature plants at any point in  
25 time. The total area of the canopy shall be calculated and measured using  
26 the method(s) required by the State Department of Food and Agriculture.

27 S. “Certificate of Accreditation” means a certificate issued by an  
28 accreditation body that attests to a Laboratory’s competence to carry out

1 specific testing analysis.

2 T. "City" means the City of Long Beach.

3 U. "City Attorney" means the City Attorney of the City of Long  
4 Beach and his or her designee.

5 V. "City Health Officer" means the City Health Officer of the City  
6 of Long Beach, his or her designee, or any other person exercising the  
7 duties of City Health Officer for the City of Long Beach.

8 W. "City Manager" means the City Manager of the City of Long  
9 Beach and his or her designee.

10 X. "Co-Located Cannabis Business" means any person, entity, or  
11 operation, in whole or in part, whether operating for-profit or not-for-profit,  
12 and all associated owners, employees, managers, or agents engaged in  
13 both adult-use and medicinal commercial cannabis activities on the same  
14 permitted premises for one (1) identical type of commercial cannabis  
15 activity.

16 Y. "Code" means the Long Beach Municipal Code.

17 Z. "Commercial Cannabis Activity" or "Commercial Cannabis  
18 Activities" means the cultivation, possession, manufacture, distribution,  
19 processing, storing, laboratory testing, packaging, labeling, transportation,  
20 delivery, making available, or sale of cannabis goods.

21 AA. "Commercial Cannabis Business" means any person, entity,  
22 or operation, in whole or in part, whether operating for-profit or not-for-profit,  
23 and all associated owners, employees, managers, or agents that engages  
24 in adult-use commercial cannabis activity or adult-use and medicinal  
25 commercial cannabis activity from one (1) premises.

26 BB. "Common-Use Area" means any area of a cannabis  
27 manufacturer's licensed shared-use facility, including equipment that is  
28 available for use by more than one licensee, provided that the use of a

1 common-use area is limited to one licensee at a time.

2 CC. "Component" means any substance or item intended for use  
3 in the manufacture of a cannabis product, including those substances or  
4 items that are not intended to appear in the final form of the product.  
5 "Component" may include cannabis, cannabis products used as  
6 ingredients, other ingredients, and processing aids.

7 DD. "Cultivation" means any activity involving the planting,  
8 growing, harvesting, drying, curing, grading, or trimming of cannabis,  
9 including nurseries.

10 EE. "Cultivation Area" means the combined total number of square  
11 feet on one (1) premises dedicated to the cultivation of living cannabis  
12 plants, including, but not limited to, any areas dedicated to the vertical  
13 and/or horizontal cultivation of cannabis.

14 FF. "Cultivation Site" means a permanent structure in a fixed  
15 location that contains a permitted premises where cannabis is planted,  
16 grown, harvested, dried, cured, graded, or trimmed, or a premises where  
17 any combination of those activities occurs.

18 GG. "Cultivator" means any person, entity, or operation, in whole  
19 or in part, whether operating for-profit or not-for-profit, and all associated  
20 owners, employees, managers, and agents engaged in planting, growing,  
21 harvesting, drying, curing, grading, or trimming cannabis, including a  
22 nursery which produces clones, immature plants, seeds, or other  
23 agricultural products specifically for the planting, propagation, or cultivation  
24 of cannabis.

25 HH. "Customer" means a natural person twenty-one (21) years of  
26 age or older or a natural person eighteen (18) years of age or older who  
27 possesses a physician's recommendation.

28 II. "Day Care Center" shall have the same meaning as in

1 California Health and Safety Code Section 1596.76.

2 JJ. "Delivery" means the commercial transfer of cannabis goods  
3 by a Dispensary to a customer at a physical address. "Delivery" also  
4 includes the use of any technology platform by a Dispensary that is also  
5 owned, leased, or controlled by the Dispensary.

6 KK. "Delivery Employee" means an employee of a Dispensary  
7 who delivers cannabis goods from the premises of a Dispensary to a  
8 customer at a physical address. "Department of Cannabis Control" means  
9 the division of the State Department of Consumer Affairs responsible for  
10 licensing and regulating cannabis businesses in California.

11 LL. "Department of Cannabis Control" means the division of the  
12 State Department of Consumer Affairs responsible for licensing and  
13 regulating cannabis businesses in California.

14 MM. "Designated Area" means the area of a cannabis  
15 manufacturer's licensed shared-use facility that is designated principal  
16 licensee for the sole and exclusive use of a shared use manufacturing  
17 Operator Licensee, including storage of the shared use manufacturing  
18 Operator Licensee's cannabis, cannabis concentrates, and cannabis  
19 products.

20 NN. "Director of Financial Management" means the Director of  
21 Financial Management of the City of Long Beach and his or her designee.

22 OO. "Dispensary" means any person, entity, or operation, in whole  
23 or in part, whether operating for-profit or not-for-profit, and all associated  
24 owners, employees, managers, or agents engaged in both medicinal and  
25 adult-use commercial cannabis activity from the same permitted premises  
26 for the retail sale and delivery of cannabis goods to customers. A  
27 "Dispensary," as that term is used in this Code, is a "Retailer" under the  
28 MAUCRSA.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PP. "Distribution" means the procurement, sale, and transport of cannabis or cannabis products between State licensees.

QQ. "Distributor" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents that engages in the business of the distribution of cannabis goods between State licensees.

RR. "Dried Flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

SS. "Edible Cannabis Product" means manufactured cannabis that is intended to be used, in whole or in part, for oral human consumption including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by California Health and Safety Code Section 109935 or a drug as defined by California Health and Safety Code Section 109925.

TT. "Electronic Age Verification Device" means a device capable of quickly and reliably confirming the age of the cardholder of a government-issued identification card using computer processes.

UU. "Employee" means any individual engaged in the operation of a Commercial Cannabis Businesses, whether full-time, part-time, permanent, or temporary, for a wage, salary, commission, barter, or any other form of compensation, or for no compensation, including but not limited to, any owner-operator, member of the owner's family, partner, associate, agent, manager or solicitor, full-time employee, part-time employee, temporary employee, contractors, volunteers, and agents. The owner of a sole proprietorship shall not be considered an employee.

VV. "Equity Applicant" means an individual who meets the criteria

1 in Section 5.92.1615.

2 WW. "Equity Business" means a cannabis business where a  
3 minimum of fifty-one percent (51%) ownership in the cannabis business is  
4 held by one equity applicant or, if the cannabis business will be held by a  
5 group of applicants in the Equity Program, any one (1) of the equity  
6 applicants must hold majority ownership interest in the cannabis business.

7 XX. "Equity Dispensary" means a dispensary owned by an equity  
8 business as defined in Section 5.92.1620.

9 YY. "Equity Employee" means an individual who meets the criteria  
10 in Section 5.92.1610.

11 ZZ. "Extraction" means a process by which cannabinoids are  
12 separated from cannabis plant material through chemical or physical  
13 means.

14 AAA. "Fire Alarm System" means an assembly of equipment and  
15 devices arranged to signal the presence of a hazard requiring urgent  
16 attention, to which fire officials may respond.

17 BBB. "Flowering" means that a cannabis plant has formed a mass  
18 of pistils measuring greater than one half inch (1/2") wide at its widest point.

19 CCC. "Good Standing" means that a Commercial Cannabis  
20 Business is regarded as having complied with all explicit obligations, while  
21 not being subject to any form of sanction, suspension, or disciplinary  
22 censure by the City, State, or any of the State's departments or divisions.

23 DDD. "Government-Issued Identification" means a document issued  
24 by a federal, state, county, or municipal government that includes the name,  
25 date of birth, physical description, and picture of the person, such as a  
26 driver's license, U.S. passport, military ID, or State or local government  
27 identification card.

28 EEE. "Harvest Batch" means a specifically identified quantity of

1 dried flower or trim, leaves, and other cannabis plant matter that is uniform  
2 in strain, harvested at the same time, and, if applicable, cultivated using the  
3 same pesticides and other agricultural chemicals, and harvested at the  
4 same time.

5 FFF. "Household" means the residence address as indicated on the  
6 equity verification application.

7 GGG. "Household Size" means the number of individuals that meet  
8 any of the following criteria :

9 1. All spouses or domestic partners must be included in  
10 the household and must appear in the submission content.

11 2. All household members who are under 18 years of age  
12 must be the legal dependent of an adult household member, except in the  
13 case of emancipated minors, as claimed on the most recent income tax  
14 return, or legal minor children of title holders.

15 3. Pregnant applicants will only be counted as two  
16 household members with verifiable medical documentation.

17 4. Temporarily absent household members who intend to  
18 live in the residence upon return may be considered, if verifiable  
19 documentation supporting their absence is provided. Such household  
20 members include, but are not limited to, household members serving  
21 temporarily in the armed forces, or who are temporarily institutionalized.

22 5. Individuals not listed on the equity applicant's most  
23 recent tax return, such as elderly relatives, live-in assistants, and foster  
24 children will not be counted toward household size.

25 HHH. "Identification Card" means a document issued by the State  
26 pursuant to California Health and Safety Code 11362.7 et seq. that  
27 identifies a person authorized to engage in the medicinal use of cannabis  
28 and the person's designated primary caregiver, if any.

1 III. "Immature Plant" means a cannabis plant that is not flowering,  
2 including, but not limited to, seedlings, sprouts, and unrooted clones.

3 JJJ. "Infusion" means a process by which cannabis, cannabinoids,  
4 cannabis concentrates, or manufactured cannabis is directly incorporated  
5 into a cannabis product formulation to produce a cannabis product.

6 KKK. "Ingredient" means any substance that is used in the  
7 manufacture of a cannabis product and that is intended to be present in the  
8 product's final form.

9 LLL. "Labeling" means any label or other written, printed, or graphic  
10 matter upon cannabis goods, its container or wrapper, or that accompanies  
11 cannabis goods.

12 MMM. "Labor Peace Agreement" shall have the same meaning as  
13 California Business and Professions Code 26001(y), as amended from time  
14 to time.

15 NNN. "Licensee" means a person or entity licensed by the City of  
16 Long Beach to operate a cannabis business.

17 OOO. "Limited-Access Area" means an area within a permitted  
18 premises used for storing and holding cannabis goods and currency, which  
19 is only accessible to the permittee and authorized employees of the  
20 permittee.

21 PPP. "Live Plants" or "Live Cannabis Plants" means living cannabis  
22 flowers and plants, including but not limited to, seeds, sprouts, immature  
23 plants, plants in the vegetative stage, plants in the flowering stage, and  
24 mature plants.

25 QQQ. "Manager" means any person(s) designated by a Commercial  
26 Cannabis Business to act as the representative or agent of the Commercial  
27 Cannabis Business in managing day-to-day operations with corresponding  
28 liabilities and responsibilities, and/or the individual in apparent charge of the

1 permitted premises of the Commercial Cannabis Business. Evidence of  
2 management includes, but is not limited to, evidence that the individual has  
3 the power to direct, supervise, or hire and dismiss employees, control hours  
4 of operation, creates policy rules, or purchases supplies.

5 RRR. "Manufacture" means to compound, blend, extract, infuse, or  
6 otherwise make or prepare a cannabis product.

7 SSS. "Manufactured Cannabis Batch" means either of the following:

8 1. An amount of cannabis concentrate or extract that is  
9 produced in one (1) production cycle using the same extraction methods  
10 and standard operating procedures.

11 2. An amount of a type of manufactured cannabis  
12 produced in one (1) production cycle using the same formulation and  
13 standard operating procedures.

14 TTT. "Manufacturer" means any person, entity, or operation, in  
15 whole or in part, whether operating for-profit or not-for-profit, and all  
16 associated owners, employees, managers, and agents, engaged in the  
17 production, conversion, preparation, propagation, deriving, processing, or  
18 compounding of cannabis or cannabis products either directly or indirectly  
19 or by extraction methods, or independently by means of chemical synthesis,  
20 or by a combination of extraction and chemical synthesis at a fixed location  
21 that packages or repackages cannabis goods or labels or relabels its  
22 container.

23 UUU. "Manufacturing" means all aspects of the extraction and/or  
24 infusion processes, including processing, preparing, holding, storing,  
25 packaging, or labeling of cannabis product. "Manufacturing" shall also  
26 include any processing, preparing, holding, or storing of components and  
27 ingredients used in cannabis products.

28 VVV. "Marijuana" shall have the same meaning as cannabis under

1 this Chapter.

2 WWW. "Mature Cannabis Plant" or "Mature Plant" means a  
3 cannabis plant that is flowering.

4 XXX. "MAUCRSA" means the Medicinal and Adult-Use Cannabis  
5 Regulation and Safety Act, consisting of the legislation in SB 94.

6 YYY. "Medicinal Marijuana Business" means any person, entity, or  
7 operation, in whole or in part, whether operating for-profit or not-for-profit,  
8 and all associated owners, employees, managers, and agents, engaged in  
9 commercial cannabis activity involving medicinal cannabis pursuant to  
10 Chapter 5.90 of this Code.

11 ZZZ. "Medical Marijuana Business Permit" means one (1)  
12 document issued by the City to reflect the regulatory business permit issued  
13 pursuant to the provisions of Chapter 5.90 and Title 5 of this Code, and the  
14 business license issued pursuant to Chapter 3.80 of this Code, authorizing  
15 the holder thereof to operate a Medical Marijuana Business and to conduct  
16 medicinal commercial cannabis activities.

17 AAAA. "Medicinal Cannabis" or "Medicinal Cannabis Product" means  
18 cannabis or a cannabis product, respectively, intended to be sold for use  
19 pursuant to California Health and Safety Code Section 11362.5, by a  
20 medicinal cannabis patient in California who possesses a physician's  
21 recommendation.

22 BBBB. "Medicinal Cannabis Patient" or "Medical Patient" means a  
23 qualified patient or a person with an identification card.

24 CCCC. "Microbusiness" or "Type 12 Microbusiness" means a  
25 business as defined by California Business and Professions Code Section  
26 26070, applying for, or issued, a Type-12 Microbusiness State license, to  
27 engage in three (3) or more of the following commercial cannabis activities  
28 from one permitted premises: cultivation on an area less than ten thousand

1 (10,000) square feet, distribution, manufacturing, or retail sales  
2 (Dispensary).

3 DDDD. "Microorganisms" means yeasts, molds, bacteria,  
4 viruses, protozoa, and/or microscopic parasites and includes species that  
5 are pathogens. The term "Undesirable Microorganisms" includes those  
6 microorganisms that are pathogens, that subject a cannabis product to  
7 decomposition, that indicate that a cannabis product is contaminated with  
8 filth, or that otherwise may cause a cannabis product to be adulterated.

9 EEEE. "Misbranded" shall have the same meaning as California  
10 Business and Professions Code Section 26121.

11 FFFF. "Non-Equity Business" means a business that does not meet  
12 the definition of an Equity Business as defined in Section 5.92.1620.

13 GGGG. "Nonvolatile Solvent" means any solvent used in the  
14 extraction process that is not a volatile solvent, including but not limited to,  
15 carbon dioxide or ethanol.

16 HHHH. "Nursery" means a Cultivator that produces only  
17 clones, immature plants, seeds, and other agricultural products used  
18 specifically for the planting, propagation, and cultivation of cannabis.

19 IIII. "Operation" means any act for which a person is legally  
20 required to have a State and local permit or license, or any commercial  
21 transfer of cannabis goods.

22 JJJJ. "Operator" means a person that is engaged in any act for  
23 which a State and local permit or license is legally required.

24 KKKK. "Owner" means any of the following:

- 25 1. Any person with an ownership interest of ten percent  
26 (10%) or more in the Adult-Use Cannabis Business applying for a permit  
27 pursuant to this Chapter;
- 28 2. The chief executive officer of an entity, including

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

nonprofits;

3. A member of the board of directors of a for-profit or non-profit entity;

4. All persons within an entity that have a financial interest of ten percent (10%) or more in the proposed Adult-Use Cannabis Business, including but not limited to:

- a. A general partner of an Adult-Use Cannabis Business that is organized as a partnership;
- b. A non-member manager or managing member of an Adult-Use Cannabis Business that is organized as a limited liability company;
- c. Any person holding a voting interest in a partnership, association, or limited liability company;
- d. All officers or directors of an Adult-Use Cannabis Business that is organized as a corporation and all shareholders who individually own more than ten percent (10%) of the issued and outstanding stock of the corporation.

LLLL. "Outdoors" means any location within the City that is not within an enclosed locked structure or building.

MMMM. "Package" and "Packaging" means any container or wrapper that may be used for enclosing or containing any cannabis goods for final retail sale. "Package" does not include a shipping container or outer wrapping used solely for the transport of cannabis goods in bulk quantity to a State licensee.

NNNN. "Panic Hardware" means a door-latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

OOOO. "Parcel of Land" means one (1) contiguous piece of



1 real property, its boundaries, and all the rights contained therein, which is  
2 identified by a Los Angeles County Assessor’s Parcel Number (APN).

3 PPPP. “Permittee” means a person issued an Adult-  
4 Use Cannabis Business Permit pursuant to this Chapter.

5 QQQQ. “Person” means a natural person as well as an entity,  
6 individual, firm, partnership, joint venture, association, corporation, limited  
7 liability company, estate, trust, business trust, receiver, syndicate, or any  
8 other legal entity or group, or combination thereof acting as a unit, and  
9 includes the plural as well as the singular number.

10 RRRR. “Physician’s Recommendation” means a  
11 recommendation provided by a physician or surgeon that an individual may  
12 obtain and use cannabis for medicinal purposes in accordance with  
13 California Health and Safety Code Section 11362.5.

14 SSSS. “Playground” means any park or recreational area specifically  
15 designed to be used by children which has play equipment installed,  
16 including public grounds designed for athletic activities such as baseball,  
17 football, soccer, or basketball, or any similar facility located on public or  
18 private school grounds, or city, county, or state parks.

19 TTTT. “Premises” means a contiguous area wherein the permit  
20 privileges are, or will be, exercised, as diagrammed in the application for an  
21 Adult-Use Cannabis Business Permit, and for which a separate permit is  
22 required.

23 UUUU. “Primary Caregiver” means the individual, designated  
24 by a qualified patient, who has consistently assumed responsibility for the  
25 housing, health, or safety of said qualified patient pursuant to California  
26 Health and Safety Code Section 11362.7.

27 VVVV. “Principal Licensee” means the licensed cannabis  
28 manufacturer that has been approved by the City of Long Beach to operate

1 its licensed premises as a Shared-use Manufacturing Facility.

2 WWW. "Property Line" means the defined boundaries of a  
3 parcel of land.

4 XXXX. "Property Owner" means the person who is the owner of  
5 record for the real property and premises where a commercial cannabis  
6 activity or commercial cannabis activities are located, or are proposed to be  
7 located.

8 YYYY. "Public Beach" or "Beach" means any beach area used for  
9 recreational purposes which is owned, operated, or controlled by the State,  
10 any State agency, or any local agency within the City's authority, including  
11 but not limited to, Alamitos Bay Beach, Alamitos Beach, Alamitos Park  
12 Beach, Belmont Shore Beach, Colorado Lagoon Park, Granada Beach,  
13 Rosie's Dog Beach, Long Beach City Beach, Marine Stadium Beach,  
14 Mothers Beach, Peninsula Bayside Beach, Peninsula Beach, and Shoreline  
15 Aquatic Park.

16 ZZZZ. "Public Park" or "Park" means publicly owned natural or open  
17 areas set aside for active public use for recreational, cultural, or community  
18 service activities, including but not limited to, all parks dedicated or  
19 designated in Table 35-2 of Chapter 21.35 of this Code.

20 AAAAA. "Public Place" or "Public" means any real property  
21 owned, leased, or used by a public entity, and any place on private property  
22 open to the public, common areas of buildings, private clubs, vehicles,  
23 those portions of any private property upon which the public has an express  
24 or implied license to enter or remain, and any place visible from such  
25 places. "Place open to the public" does not include any fenced area of a  
26 private residence regardless of whether it can be seen from a place open to  
27 the public.

28 BBBB. "Public Right-Of-Way" means any public highway,

1 street, alley, sidewalk, parkway, and all extensions or additions thereto  
2 which is either owned, operated, or controlled by the City, or is subject to an  
3 easement or dedication to the City, or is a privately-owned area within City's  
4 authority which is not yet dedicated, but is designated as a proposed public  
5 right-of-way on a tentative subdivision map approved by the City.

6 CCCCC. "Qualified Patient" means a person who is entitled to  
7 the protections of California Health and Safety Code Section 11362.5, but  
8 who does not have an identification card.

9 DDDDD. "Quality Control Personnel" means any person or  
10 group, designated by the permittee to be responsible for quality control  
11 operations.

12 EEEEE. "Retail Area" means a building, room, or other area that  
13 is open to the public upon a premises in which cannabis goods are sold or  
14 displayed.

15 FFFFF. "Security Alarm System" means an assembly of  
16 equipment and devices arranged to signal the presence of a hazard  
17 requiring urgent attention, to which police officials may respond.

18 GGGGG. "Sell," "Sale," and "To Sell" means any transaction  
19 whereby, for any consideration, title to cannabis goods are transferred from  
20 one (1) person to another, and includes the delivery of cannabis goods in  
21 response to an order placed for the purchase of the same and soliciting or  
22 receiving an order for the same, but does not include the return of cannabis  
23 goods by a permittee to the permittee from whom the cannabis goods were  
24 purchased.

25 HHHHH. "Shared-Use Manufacturing Facility" or "Shared-Use  
26 Facility" means a manufacturing premises operated by a Principal Licensee  
27 in which Shared Use Manufacturing Operator Licensees are authorized to  
28 conduct manufacturing operations.

1                   IIIII. "Shared Use Manufacturing Operator Licensee" or "Operator  
2 Licensee" means any person, entity, or operation, in whole or in part,  
3 whether operating for-profit or not-for-profit, and all associated owners,  
4 employees, managers, or agents that engages in manufacturing activities  
5 limited to infusions, packaging/labeling of cannabis products, and  
6 extractions with butter or food grade oils in common-use areas of a licensed  
7 Shared-Use Manufacturing Facility, pursuant to California Department of  
8 Public Health Code Section 40191.

9                   JJJJJ. "Site" means one (1) or more contiguous lots or parcels of  
10 land which were developed and function as a single development for  
11 satisfying the requirements and development standards of this Code,  
12 including, but not limited to, access and parking.

13                   KKKKK. "Site Boundary" means the outer defined boundaries of  
14 a site, which are coterminous with any or all portions of the property line(s)  
15 of the lot(s) or parcel(s) of land that total the whole of the site.

16                   LLLLL. "State" means the State of California.

17                   MMMMM. "State Licensee" means a person issued a State  
18 license by the State, or one of its departments or divisions, pursuant to the  
19 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis  
20 activity, and includes the holder of a Testing Laboratory license.

21                   NNNNN. "State License" means a license issued by the State of  
22 California, or one of its departments or divisions, pursuant to the  
23 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis  
24 activity, as well as a Testing Laboratory State license.

25                   OOOOO. "Technical Report" means a document prepared by,  
26 and bearing the stamp of, a registered design professional or qualified  
27 specialist, laboratory, or fire safety specialty organization to analyze and  
28 demonstrate that the fire safety properties of the equipment, devices,

1 systems, products, technologies, materials and uses attending the design,  
2 operation or use of a building or premises comply with all applicable local  
3 and State Building Codes, Fire Codes, Electrical Codes, and other laws.

4 PPPPP. "Testing Laboratory" means any person, entity, or  
5 operation, in whole or in part, whether operating for-profit or not-for-profit,  
6 and all associated owners, employees, managers, or agents offering or  
7 performing tests of cannabis goods and that is ISO/IEC 17025 accredited,  
8 or pending ISO/IEC 17025 accreditation.

9 QQQQQ. "Time and/or Temperature Controlled" means a  
10 cannabis or cannabis product that requires time and/or temperature control  
11 for safety to limit pathogenic microorganism growth or toxin formation.

12 RRRRR. "Trim" means the excess snipping of leaves from the  
13 flowers of cannabis plants.

14 SSSSS. "Topical Cannabis Product" means a cannabis product  
15 intended for external use, such as cannabis-enriched lotions, balms, and  
16 salves. A topical cannabis product is not considered a drug as defined by  
17 California Health and Safety Code Section 109925.

18 TTTTT. "Track-and-Trace System" means the State-approved  
19 system required by the MAUCRSA to track commercial cannabis activity  
20 and movement of cannabis goods through the distribution chain.

21 UUUUU. "Transport," "Transporting," or "Transportation" means  
22 the physical movement of cannabis goods from the premises of one State  
23 licensee to the premises of another State licensee.

24 VVVVV. "Transport Only Distributor" means any person, entity,  
25 or operation, in whole or in part, whether operating for-profit or not-for-profit,  
26 and all associated owners, employees, managers, or agents that engages  
27 in the business of the transporting of cannabis goods between State  
28 licensees only where the cannabis or cannabis products were cultivated or

1 manufactured by said permittee (self-distribution), or where the cannabis or  
2 cannabis products are cultivated or manufactured by other State licensees.

3 WWWWW. "Transporter" means an employee of a Distributor  
4 engaged in the procurement, sale, and transfer of cannabis goods from the  
5 premises of one State licensee to the premises of another State licensee.

6 XXXXX. "Unique Identifier" means an alphanumeric code or  
7 designation used for reference to a specific cannabis plant on a permitted  
8 premises and any cannabis goods derived or manufactured from said  
9 cannabis plant.

10 YYYYY. "Vacuum Oven" means an oven that uses a  
11 combination of heat and negative pressure (vacuum) to strip the  
12 concentrated material of any residual solvents that were used in the  
13 extraction process.

14 ZZZZZ. "Volatile Solvent" means a solvent that is or produces a  
15 flammable gas or vapor that, when present in the air in sufficient quantities,  
16 will create explosive or ignitable mixtures. Examples of volatile solvents  
17 include, but are not limited to, hexane and liquefied petroleum gases, such  
18 as butane or propane.

19 AAAAA. "Youth Center" shall have the same meaning as  
20 California Health and Safety Code Section 11353.1.

21

22 DIVISION II ADMINISTRATION

23 Subdivision I General Authority.

24 5.92.110 Authority to delegate.

25 A. The City Manager may delegate an act required to be  
26 performed pursuant to this Chapter to any Code Enforcement Officer or  
27 Official of the City, including, without limitation, the Chief of Police, the Fire  
28 Code Official, the Building Official, the Director of Financial Management,

1 the City Attorney, the City Health Officer, or any designee of such officers or  
2 officials. All references to the City Manager in this Chapter shall include any  
3 designee of the City Manager.

4 B. The City Manager has all the powers of any peace officer to:

5 1. Investigate violations or suspected violations of this  
6 Chapter; Chapter 3.80, Chapter 5.90, and Title 21 of this Code; the  
7 provisions of MAUCRSA; any regulations implemented and enforced by the  
8 State or any of its departments or divisions that may be enforced by peace  
9 officers; any other laws or regulations pertaining to Commercial Cannabis  
10 Businesses in this City, any resolutions or regulations promulgated  
11 pursuant to such provisions;

12 2. View, duplicate, and/or take possession of recordings  
13 made by the digital video surveillance system of a Commercial Cannabis  
14 Business, which shall be made available to the City Manager upon verbal  
15 request. No search warrant, court order, or subpoena shall be needed for  
16 the City Manager to view security records;

17 3. Enter the cannabis facility and premises of a  
18 Commercial Cannabis Business from time to time unannounced to make  
19 reasonable inspections to observe and enforce compliance with this  
20 Chapter and all laws and regulations of the City and State;

21 4. Serve all warrants, summonses, subpoenas,  
22 administrative citations, notices, or other processes relating to the  
23 enforcement of laws regulating commercial cannabis activities and  
24 Commercial Cannabis Businesses.

25 5. Assist or aid any law enforcement officer in the  
26 performance of his or her duties upon such law enforcement officer's  
27 request, or the request of other local officials that have jurisdiction;

28 6. Inspect, examine, or investigate any Commercial

1 Cannabis Business, and the premises and/or cannabis facility for the same,  
2 where cannabis goods are grown, harvested, possessed, stored, cultivated,  
3 processed, manufactured, packaged, labeled, transported from, tested,  
4 distributed, sold, or made available, and any books and records in any way  
5 connected with any permitted activity;

6 7. Require any Commercial Cannabis Business, upon  
7 demand, to allow an inspection of any Commercial Cannabis Business  
8 during business hours, or at any time of apparent business, including,  
9 without limitation, any cannabis equipment, cannabis accessories, security  
10 records, inventory, on-site operations specific to the Commercial Cannabis  
11 Business, accounts, or books and records; and to permit the testing of, or  
12 examination of, cannabis goods.

13 8. Require applicants to submit complete and current  
14 applications, fees, and any other information the City Manager deems  
15 necessary to make permitting decisions and to approve material changes  
16 made by any applicant or Commercial Cannabis Business;

17 9. Conduct investigations into the character, criminal  
18 history, and all other relevant factors related to suitability of all applicants for  
19 a Commercial Cannabis Business Permit, and such other persons with a  
20 direct or indirect interest in a Commercial Cannabis Business, as the City  
21 Manager may require; and

22 10. Promulgate such administrative regulations as deemed  
23 necessary and appropriate, if said regulations are consistent herewith and  
24 with all applicable State law and regulations.

25 11. Exercise any other power or duty authorized by law.

26 C. Nothing in this Section is intended to, or shall operate to,  
27 change or shall have the effect of changing, the status of a City Manager's  
28 designee under this Section from a public or miscellaneous officer or



1 employee to an individual peace officer or safety member or to a class of  
2 peace officer or safety member for purposes of retirement, worker's  
3 compensation or similar injury or death benefits, or any other employee  
4 benefit or benefits to which said officer or employee would not have been  
5 entitled to as a public employee prior to the adoption of this Section.

6 5.92.120 - Authority to order an administrative hold of cannabis goods.

7 To prevent destruction of evidence, diversion, or other threats to public  
8 safety, while permitting a Commercial Cannabis Business to retain its inventory  
9 pending further investigation, the City Manager may order an administrative hold  
10 of cannabis goods pursuant to the following procedure:

11 A. If during an investigation or inspection of a Commercial  
12 Cannabis Business, the City Manager develops reasonable grounds to  
13 believe certain cannabis goods constitute evidence of acts in violation of  
14 this Chapter, or rules promulgated pursuant to it, or otherwise constitute a  
15 threat to the public safety, the City Manager may issue a notice of  
16 administrative hold of any such cannabis goods.

17 B. The notice of administrative hold shall provide a documented  
18 description of the cannabis goods to be subject to the administrative hold.

19 C. The Commercial Cannabis Business shall completely and  
20 physically segregate the cannabis goods subject to the administrative hold  
21 in a separate area of the location under investigation, where it shall be  
22 safeguarded by the Commercial Cannabis Business. Pending the outcome  
23 of the investigation and any related disciplinary proceeding, the Commercial  
24 Cannabis Business is prohibited from selling, giving away, transferring,  
25 transporting, or destroying the cannabis goods subject to the administrative  
26 hold.

27 D. Following an investigation, the City Manager may lift the  
28 administrative hold, order the continuation of the administrative hold, or

1 seek a Final Order for the destruction of the cannabis goods. A Commercial  
2 Cannabis Business shall be responsible for the cost of the destruction of  
3 cannabis associated with its violation.

4 E. Any decision or action of the City Manager pursuant to this  
5 subsection is subject to the appeal procedures pursuant to Section  
6 5.92.1445.

7 F. Voluntary surrender of cannabis goods. The Commercial  
8 Cannabis Business, prior to a Final Order and upon mutual agreement with  
9 the City Manager, may elect to waive a right to a hearing and any  
10 associated rights, and voluntarily surrender any goods to the City Manager.  
11 Such voluntary surrender may require destruction of any cannabis goods in  
12 the presence of the City Manager.

13 5.92.130 Authority to make reasonable rules, policies, and procedures.

14 A. The City Manager is authorized to make reasonable rules,  
15 policies, and procedures consistent with the intent and spirit of this Chapter  
16 as may be necessary to administer and enforce the provisions of this  
17 Chapter and any other ordinances, regulations or laws relating to and  
18 affecting the permitting and operations of Commercial Cannabis  
19 Businesses. Regulations promulgated by the City Manager become  
20 effective upon date of publication, unless specified otherwise.

21 B. Applicants and permittees shall cooperate with the City  
22 Manager, including City Manager designees who are conducting  
23 inspections or investigations relevant to the enforcement of laws and  
24 regulations related to this Chapter.

25 C. It is unlawful for any person to obstruct, impede, or interfere  
26 with the City Manager, from reasonable inspection, investigation, audits  
27 authorized by law or from exercising their respective duties under the  
28 provisions of this Chapter and all rules promulgated pursuant to it, including

1 but not limited to, the following:

2 1. Threatening force or violence against the City  
3 Manager, or otherwise endeavoring to intimidate, obstruct, or impede the  
4 City Manager or any peace officers from exercising their duties. The term  
5 “threatening force” includes the threat of bodily harm to such individual or to  
6 a member of his or her family;

7 2. Denying the City Manager access to any portion of a  
8 Commercial Cannabis Business, premises, and/or cannabis facility during  
9 business hours or times of apparent activity;

10 3. Providing false or misleading statements;

11 4. Providing false or misleading documents and records;

12 5. Failing to timely produce requested books and records  
13 required to be maintained by the Commercial Cannabis Business; or

14 6. Failing to timely respond to any request for information  
15 made by the City Manager about an investigation of the qualifications,  
16 conduct, or compliance of a Commercial Cannabis Business or applicants.

17 5.92.140 Authority of the Director of Financial Management.

18 The Director of Financial Management is authorized to make reasonable  
19 rules, policies, and procedures consistent with the intent and spirit of this Chapter  
20 concerning the applications, the application process, the information required of  
21 applicants, the application procedures, and the administration and procedures to  
22 be used and followed in the application process for permit applications and  
23 requests for permit changes or modifications required pursuant to this Chapter.

24 Subdivision II Permit Application and Administration.

25 5.92.210 Business license and permit required.

26 A. It is unlawful for any person to engage in, operate, conduct,  
27 carry on, or allow to be carried on, the business of adult-use cannabis in the  
28

1 City without having first met the following requirements:

2 1. The person has paid any business license tax pursuant  
3 to Chapter 3.80 of this Code;

4 2. The person holds a valid permit pursuant to the  
5 requirements of this Chapter; and

6 3. The person holds a State license in accordance with  
7 California Business and Professions Code Section 26000 et seq. and any  
8 applicable regulations implemented by the State or any of its departments  
9 or divisions.

10 B. Each permit issued pursuant to the requirements of this  
11 Chapter shall entitle the holder thereof to obtain a City license to engage in  
12 the business described in the permit, upon payment of the license tax  
13 required by the provisions of Chapter 3.80 of this Code, provided the holder  
14 of the permit complies with all other applicable provisions of law or  
15 ordinance.

16 C. Fixed location required. A permit may only be issued for a  
17 specific, fixed location within a secured, fully enclosed building, that is  
18 subject to building and/or zoning permits and regulations.

19 5.92.215 Permit application required filing.

20 A. Any person seeking an Adult-Use Cannabis Business Permit  
21 shall submit a written application to the City, signed under penalty of  
22 perjury, using the form approved by the City for that purpose and in the  
23 manner required by the Director of Financial Management. The application  
24 shall be accompanied by a non-refundable application fee, established by  
25 resolution of the City Council. All applications shall contain, at a minimum,  
26 the following information and documents unless otherwise specified by the  
27 Director of Financial Management:

28 1. Applicant information.

- 1 a. The legal business name of the applicant.
- 2 b. The applicant's mailing address, e-mail address,
- 3 and business telephone number.
- 4 c. The federal employer identification number or
- 5 social security number of the applicant.
- 6 d. A description of the business organizational
- 7 structure of the applicant, including the entity identification number, if
- 8 applicable.
- 9 e. The contact information for the Community
- 10 Liaison, including the Liaison's full name, phone number, and e-mail
- 11 address.
- 12 f. Other cannabis licenses. A list of all State
- 13 licenses and any out-of-state or other local licenses, permits, or
- 14 authorizations to conduct commercial cannabis activity held by the
- 15 applicant, including the date the license was issued and the state license
- 16 number.
- 17 g. Description of State licenses required. A
- 18 description or identification of the State license(s) types that are required for
- 19 the applicant's proposed operations.
- 20 h. Prior denials, suspensions, or revocations. A
- 21 statement under penalty of perjury by the applicant, as to whether the
- 22 applicant has ever had the right to conduct a commercial cannabis activity
- 23 denied, suspended, or revoked by the City, State, or any other cannabis
- 24 licensing authority, including out-of-state licensing authorities.
- 25 2. Owner information. Every application shall include the
- 26 following information for every owner of the applicant's Adult-Use Cannabis
- 27 Business:
- 28 a. The full legal name, title, social security number

1 or individual taxpayer identification number, mailing address, e-mail  
2 address, telephone number, and percentage of ownership in the Adult-Use  
3 Cannabis Business.

4 b. A copy of a completed Live Scan fingerprinting  
5 and criminal background check form, identifying the Long Beach Police  
6 Department as the requesting agency; and

7 c. A color copy of every owner's government-  
8 issued identification.

9 3. Property information. Every application shall include,  
10 but not be limited to, the following property information concerning the  
11 proposed premises:

12 a. The physical address of the premises to be  
13 permitted;

14 b. A premises diagram;

15 c. The full legal name, e-mail address, and  
16 telephone number of the property owner for the proposed premises; and

17 d. Proof that the applicant has the legal right to  
18 occupy and use the premises for commercial cannabis activity, subject to  
19 the following requirements:

20 (i) If the Adult-Use Cannabis Business owns  
21 the real property where the commercial cannabis activity will occur, the  
22 applicant shall provide properly executed deeds or other proof of title to said  
23 real property.

24 (ii) If the Adult-Use Cannabis Business does  
25 not own the real property where the commercial cannabis activity will occur,  
26 the applicant shall provide the following:

27 1) A written statement, on a form  
28 provided by the City for that purpose, signed and notarized by each

1 property owner under penalty of perjury, consenting and/or attesting to the  
2 following:

3 a. That commercial cannabis  
4 activity may be conducted on the property by the Adult-Use Cannabis  
5 Business applicant;

6 b. That the Adult-Use  
7 Cannabis Business applicant has the right to occupy the property;

8 c. That no person shall  
9 engage in commercial cannabis activity on the proposed premises without  
10 all licenses and permits required by this Code and State law to conduct  
11 commercial cannabis activity while a Commercial Cannabis Business  
12 application is pending;

13 d. That the City may enter the  
14 property to conduct property inspections during the application process and  
15 after a permit is issued; and

16 e. That each property owner  
17 has read, understands, and will ensure compliance with the terms of this  
18 Chapter.

19 2) A copy of the Property Owner's  
20 Non-Residential Rental Business License.

21 4. Details of business operation. Every application shall  
22 include details of the proposed operation, including but not limited to: the  
23 proposed hours of operation; a description of the nature of the proposed  
24 commercial cannabis activity; whether any other type of commercial  
25 cannabis activity will share the proposed premises or cannabis facility with  
26 the proposed operation; and all specifications for any equipment to be  
27 required for the proposed operation.

28 5.92.220 Permit application investigation.

1           A.     Upon receipt of a complete application, the Director of  
2           Financial Management shall refer the application to the appropriate City  
3           departments to determine whether the proposed premises and cannabis  
4           facility complies with all applicable laws and regulations.

5           B.     As part of the application process, every Adult-Use Cannabis  
6           Business shall be subject to mandatory inspections of the proposed  
7           premises.

8           C.     All applicants shall obtain all required land use approvals, and  
9           any other necessary approvals, certifications, permits, or licenses from the  
10          City, State, or any applicable State or local agencies, for each separate  
11          proposed premises and for every type of commercial cannabis activity  
12          required for the applicant's proposed operation.

13          5.92.225     Co-location of adult-use and medicinal commercial cannabis  
14                          activities.

15                 The City may allow a Commercial Cannabis Business to conduct both  
16                 adult-use and medicinal commercial cannabis activity on the same permitted  
17                 premises if all of the following criteria are met:

18           A.     The permittee holds both an Adult-Use Cannabis Business  
19           Permit and a Medical Marijuana Business Permit on the same premises for  
20           an identical type of commercial cannabis activity.

21           B.     Except as otherwise authorized by law, the permittee only  
22           conducts one of the following types of commercial cannabis activities on the  
23           same permitted premises: retail sale (Dispensary), cultivation, distribution,  
24           manufacturing, or laboratory testing. Examples of exceptions authorized by  
25           law include, but are not limited to, businesses holding a State license for a  
26           Type 12 Microbusiness or Transport Only Distributors that hold a State  
27           license and City permit for cultivation or manufacturing.

28           C.     Prior to the issuance of an Adult-Use Cannabis Business



1 Permit, the applicant shall waive the rights to the inspection, penalty,  
2 suspension, revocation, and appeals process and requirements under  
3 Chapter 5.90 of this Code, and shall consent to subject the Medical  
4 Marijuana Business Permit to the inspection, penalty, suspension,  
5 revocation, and appeals processes and requirements of this Chapter.

6 D. The application for an Adult-Use Cannabis Business Permit  
7 shall be submitted by the same entity and owners that hold the Medical  
8 Marijuana Business Permit, or the same entity and owners who are named  
9 on the application for the Medical Marijuana Business Permit, for the  
10 identical premises as the Medical Marijuana Business.

11 E. The operation of adult-use and medicinal commercial  
12 cannabis activities from the same permitted premises complies with the  
13 requirements in this Chapter and all other applicable State and local laws  
14 and regulations, including, but not limited to, the location requirements  
15 specified in Section 5.92.420.

16 F. If the Commercial Cannabis Business is a Dispensary, the  
17 proposed Adult-Use Cannabis Dispensary shall also be a permitted Medical  
18 Marijuana Dispensary in good standing.

19 G. The Medical Marijuana Business Permit shall be issued  
20 before the Adult-Use Cannabis Business Permit will be issued.

21 5.92.240 Effect of other permits or licenses.

22 Possession of other types of local and State licenses or permits does not  
23 exempt any person from the requirement of obtaining a permit under this Chapter.

24 5.92.245 Incomplete applications.

25 A. Upon review of an application, if the Director of Financial  
26 Management determines an application is incomplete, the Director of  
27 Financial Management shall provide notice to the applicant, who shall have  
28 ninety (90) calendar days to correct all deficiencies.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

B. If the applicant fails to correct said deficiencies within the ninety (90) day period, the application shall be deemed abandoned, void, and of no further force and effect. The applicant may reapply at any time following an abandoned application. The City will not refund any fees for incomplete or abandoned applications.

C. The Director of Financial Management may extend the deadline upon showing of good cause by the applicant for the inability to provide all required information by the deadline, if a written request for an extension is received no later than ten (10) calendar days prior to the deadline. For purposes of this subsection, the term "good cause" shall mean the applicant's failure to complete the application process occurred due to circumstances outside of the applicant's control.

5.92.250 One applicant per property address.

A. The Director of Financial Management shall only accept applications from one (1) applicant per property address at a time.

B. Any applications received by the Director of Financial Management from a different applicant, while an active application is pending for the same property address, is deemed void and of no force and effect.

C. If more than one (1) application for an Adult-Use Cannabis Business Permit has been submitted for the same property address, the first application received by the Director of Financial Management shall be eligible to proceed.

5.92.255 Withdrawal of application.

A. An applicant may withdraw an application any time prior to the issuance or denial of a permit by submitting a signed and dated request to withdraw, on a form provided by the City for that purpose.

B. Upon the Director of Financial Management's receipt of the

1 request to withdraw, the application is deemed withdrawn, void, and of no  
2 further force and effect.

3 C. Withdrawal of an application submitted under this Chapter  
4 does not deprive the Director of Financial Management of his or her  
5 authority to institute or continue any proceeding against the applicant for the  
6 denial of an application for a permit upon any ground provided by law or to  
7 enter an order denying an application for a permit upon any such ground.

8 5.92.260 Revocable privilege.

9 A permit issued by the City is a revocable privilege. It is the responsibility of  
10 the applicant to provide all information required for approval of the permit and to  
11 demonstrate compliance with this Chapter and any other applicable law, rule, or  
12 regulation.

13 5.92.265 Persons prohibited as owners.

14 A. It shall be unlawful for any of the following persons to be an  
15 owner of an Adult-Use Cannabis Business pursuant to this Chapter:

16 1. A sheriff deputy, police officer, or prosecuting officer, or  
17 an officer or employee of the State, County, or the City.

18 2. A person otherwise prohibited in this Chapter from  
19 engaging in commercial cannabis activity.

20 3. A licensed physician making patient recommendations  
21 for cannabis.

22 4. An individual who is under twenty-one (21) years of  
23 age.

24 5. A person who has been convicted of any offense within  
25 the last ten (10) years that is substantially related to the qualifications,  
26 functions, or duties of the operation of a Commercial Cannabis Business  
27 and conducting commercial cannabis activity, which includes the following  
28 offenses:

- 1 a. A violent felony, as specified under Penal Code  
2 Section 667.5(c).
- 3 b. A serious felony, as specified under Penal Code  
4 Section 1192.7(c).
- 5 c. A felony involving fraud, deceit, or  
6 embezzlement.
- 7 6. A person who has been convicted of any offense that is  
8 substantially related to the qualifications, functions, or duties of the  
9 operation of a Commercial Cannabis Business and conducting commercial  
10 cannabis activity, which includes the following offenses:
- 11 a. A felony conviction for hiring, employing, or  
12 using a minor in transporting, carrying, selling, giving away, preparing for  
13 sale, or peddling, any controlled substance to a minor; or selling, offering to  
14 sell, furnishing, offering to furnish, administering, or giving any controlled  
15 substance to a minor.
- 16 b. A felony conviction for drug trafficking with  
17 enhancements pursuant to California Health and Safety Code Section  
18 11370.4 or 11379.8.
- 19 7. Any person who has failed to remedy any outstanding  
20 delinquent taxes, fees, or judgment owed to the City.
- 21 8. A person who has, within the past (3) years, been  
22 sanctioned or fined for, enjoined from, found guilty of, or plead guilty or no  
23 contest to, any charge of engaging in commercial cannabis activity without  
24 the required permits, licenses, registrations, or approvals required by State  
25 or local law.
- 26 B. Conviction for any controlled substance felony after the  
27 issuance of an Adult-Use Cannabis Business Permit shall be grounds for  
28 revocation of said permit or denial of the renewal of said permit.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

C. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed a conviction within the meaning of this Chapter.

D. Except as provided for in Section 5.92.265.A.6 and Section 5.92.1615.B.4.a, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of cannabis and/or cannabis goods shall not be the sole ground for denial of a permit.

5.92.270 Limitations on liability.

To the fullest extent permitted by law, the City will not assume any liability whatsoever with respect to issuing any permit pursuant to this Chapter or otherwise approving the operation of any Adult-Use Cannabis Business or Co-Located Cannabis Business. Prior to issuance of an Adult-Use Cannabis Business Permit, the applicant, or its legal representative, shall execute an agreement, on a form approved by the City Attorney, regarding the following:

A. The applicant will indemnify, defend (at applicant's sole cost and expense), and hold harmless the City, and its officers, officials, employees, representatives, and agents from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the Adult-Use Cannabis Business Permit, the City's decision to approve the applicant's operation of any commercial cannabis activity or any Commercial Cannabis Business operation, the process used by the City in making its decision, or the alleged violation of any federal, State, or local laws by the Adult-Use Cannabis Business applicant, permittee, or any of its officers, managers, employees, or agents; and

B. The applicant will agree to reimburse the City for all costs and expenses, including but not limited to attorney fees and costs, which the

1 City may be required to pay as a result of any legal challenge related to the  
2 City's approval of the applicant's Adult-Use Cannabis Business Permit, or  
3 related to the City's approval of the applicant's commercial cannabis  
4 activity. The City may, at its sole discretion, participate at its own expense  
5 in the defense of any such action, but such participation shall not relieve  
6 any of the obligations imposed hereunder.

7 5.92.275 Payment of fees.

8 A. No person may commence or continue any adult-use  
9 commercial cannabis activity in the City, without timely paying in full all fees  
10 and taxes required for the operation of an Adult-Use Cannabis Business.

11 B. The actual cost to the City arising from the processing and  
12 oversight of permits, business permits and licenses, and the costs of  
13 monitoring and ensuring compliance with this Chapter, including the Equity  
14 Program, the Responsible Vendor Pilot Program, investigations,  
15 enforcement actions, and disciplinary or abatement proceedings, shall be  
16 offset through application fees, and annual renewal fees, and shall be  
17 established by resolution of the City Council which may be amended from  
18 time to time.

19 C. The amount of any fee, cost, or charge imposed pursuant to  
20 this Chapter shall be deemed a debt to the City that is recoverable in any  
21 manner authorized by this Code, State law, or in any court of competent  
22 jurisdiction.

23  
24 Subdivision III Permit Terms and Modifications.

25 5.92.310 Term and renewal of permit.

26 A. All permits issued under the provisions of this Chapter shall  
27 be effective for a period not to exceed five (5) years after issuance. The City  
28 Manager may renew a permit if the City Manager determines that the

1 permittee has complied with the provisions of this Chapter and all  
2 applicable laws during the preceding permit term, and if the permittee pays  
3 the renewal fees and taxes required by this Chapter.

4 B. Any permit issued under this Chapter does not confer a  
5 vested right or entitlement to receive a future permit under this Chapter.

6 C. Any permit issued under this Chapter does not authorize any  
7 conduct or continuance of any operation of a Commercial Cannabis  
8 Business, in the event a permittee fails to provide required business tax  
9 returns and taxes to the City.

10 5.92.320 Permit changes or modifications generally.

11 A. Form and fees required. Any permit changes or modifications  
12 made pursuant to this Subdivision shall be submitted on a form, provided by  
13 the City for that purpose, with a nonrefundable fee established by resolution  
14 of the City Council.

15 B. No permittee may avail themselves of the provisions of this  
16 Subdivision if the Director of Financial Management has notified the  
17 permittee that the Adult-Use Cannabis Business Permit or Co-Located  
18 Cannabis Business Permits have been, or may be, suspended or revoked,  
19 or may not be renewed.

20 5.92.330 Change of address.

21 A. Any relocation or expansion of the permitted premises that  
22 includes a different property address is considered a change of address.

23 B. No permittee shall operate an Adult-Use Cannabis Business  
24 or Co-Located Cannabis Business at any premises other than the premises  
25 specified in the permittee's permit(s).

26 C. The relocation of any Adult-Use Cannabis Business shall first  
27 be approved by the Director of Financial Management who shall determine  
28 whether all ordinances and regulations of the City will be complied with at

1 any proposed new premises.

2 D. Only permittees may request to relocate an Adult-Use  
3 Cannabis Business operation to a new premises. Applicants seeking to  
4 relocate shall withdraw their existing application and submit a new  
5 application for the new proposed premises pursuant to the requirements of  
6 this Chapter.

7 E. The Director of Financial Management may approve a  
8 permittee's request to relocate the operation of an Adult-Use Cannabis  
9 Business if the relocation complies with the following requirements:

10 1. The permittee, and any owners identified in the permit,  
11 and the commercial cannabis activity specified in the existing permit remain  
12 unchanged if the request to relocate is approved.

13 2. The existing Adult-Use Cannabis Business Permit, and  
14 the corresponding State license, shall not be the subject of a pending  
15 revocation or suspension action by the City, State, or any of the State's  
16 divisions or departments.

17 3. If the permittee is a Dispensary, both the Medical  
18 Marijuana Dispensary and the Adult-Use Cannabis Dispensary shall  
19 relocate to the same premises at the same time. It shall be unlawful for a  
20 Co-Located Dispensary to relocate the operation of either the Adult-Use  
21 Cannabis Dispensary or the Medical Marijuana Dispensary without likewise  
22 changing the location of the other.

23 4. The proposed premises complies with the requirements  
24 in this Chapter and all other applicable State and local laws and regulations,  
25 including, but not limited to, the locations requirements specified in Section  
26 5.92.420.

27 F. A Non-Equity Dispensary shall not be eligible to submit a  
28 request to relocate the operation of the Adult-Use Cannabis Dispensary



1 until one hundred eighty (180) days after the City begins accepting  
2 business license applications from Equity Dispensaries, or until all Equity  
3 Dispensaries have provided the complete, notarized Property Owner  
4 Authorization for the business premises in the business license application,  
5 whichever occurs sooner.

6 5.92.340 Change of ownership.

7 A. Except as otherwise set forth in this Chapter, any sale,  
8 transfer, assignment, attempted sale, attempted transfer, or attempted  
9 assignment of a permit in violation of this Chapter shall be deemed to  
10 constitute a voluntary surrender of such permit, and all rights to operate a  
11 Commercial Cannabis Business in the City shall terminate, and any such  
12 permit(s) shall thereafter be deemed null and void.

13 B. No permittee may sell, transfer, or assign, or change  
14 ownership or control of an Adult-Use Cannabis Business Permit to another  
15 person, or by operation of law, unless and until the proposed new owner(s),  
16 or the proposed transferee(s), submit all required materials at least thirty  
17 (30) days prior to the change of ownership or transfer, pay all applicable  
18 fees, and independently meet the requirements of this Chapter. For  
19 purposes of this Chapter:

20 1. A change in ownership occurs when one (1) or more of  
21 the owners of a permit change and the new person added to the permit  
22 meets the definition of an "Owner" pursuant to this Chapter.

23 2. A change in ownership does not occur when one (1) or  
24 more owners leave the business by transferring their ownership interest to  
25 the other existing owner(s). In cases where one (1) or more owners leave  
26 the business by transferring their ownership interest to the other existing  
27 owner(s), the owner(s) that are transferring their interest shall provide a  
28 signed statement to the City confirming that they have transferred their

1 interest.

2 C. If the permittee is a Co-Located Cannabis Business, any  
3 request to change ownership, or transfer a permit, shall not be approved  
4 unless both the Medical Marijuana Business and the Adult-Use Cannabis  
5 Business changes permit ownership at the same time, to the same owners,  
6 same business name, and in the same business formation. It shall be  
7 unlawful for a Co-located Commercial Cannabis Business to change  
8 ownership of either the Medical Marijuana Business Permit or the Adult-Use  
9 Cannabis Business Permit without likewise changing the ownership of the  
10 other.

11 D. The existing permittee may conduct business under the  
12 existing permit while the Director of Financial Management reviews the  
13 application for a change of ownership or permit transfer. Denial of an  
14 application for a change of ownership does not result in the revocation of  
15 the existing permit.

16 5.92.350 Change in business name.

17 No permittee shall operate, conduct, manage, engage in, or carry on an  
18 Adult-Use Cannabis Business under any name other than the name of the Adult-  
19 Use Cannabis Business specified in the permit and/or any "doing business as" or  
20 "DBA" provided in the permit application.

21 5.92.360 Physical modification of premises.

22 A. A permittee shall not make a physical change, alteration, or  
23 modification of the permitted premises without the prior written approval of  
24 the Director of Financial Management.

25 B. If a permitted premises is to be changed, modified, or altered,  
26 the permittee is responsible for filing a request for a premises modification  
27 with the Director of Financial Management and securing all necessary City  
28 approvals, project plan approvals, and permits.

1 C. Alterations or modifications requiring City approval include,  
2 without limitation:

3 1. The removal, creation, or relocation of a common  
4 entryway, doorway, passage, or a means of public entry or exit, when such  
5 common entryway, doorway, or passage alters or changes the limited-  
6 access areas within the permitted premises.

7 2. The removal, creation, addition, or relocation of the  
8 cultivation area.

9 3. Any other physical modification resulting in a material  
10 or substantial change in the mode or character of business operation.

11 4. The requirements of this Section are in addition to  
12 compliance with any other applicable State or local rule, law, or regulation  
13 pertaining to approval of building modifications, zoning, or land use  
14 requirements.

15 D. The Director of Financial Management may refer the plans  
16 and specifications to all concerned City departments for review and  
17 inspection, as appropriate.

18 DIVISION III - GENERAL OPERATING CONDITIONS

19 The following general operating requirements are applicable to all  
20 Adult-Use Cannabis Businesses. Requirements in this Section are in addition to  
21 the requirements specific to each type of Adult-Use Cannabis Business set forth in  
22 Division IV (Dispensary operating conditions); Division V (Cultivation operating  
23 conditions); Division VI (Manufacturing operating conditions); Division VII (Shared  
24 Use Manufacturing operating conditions); Division VIII (Distribution operating  
25 conditions); and Division IX (Testing Laboratory operating conditions) of this  
26 Chapter.

27  
28 Subdivision I Cannabis facility and location requirements.

1           5.92.410     Compliance.

2           A.       Every Adult-Use Cannabis Business shall comply with all  
3           applicable State laws and regulations, as may be amended and adopted,  
4           including all permit, approval, inspection, reporting and operational  
5           requirements, imposed by the State or its regulatory agencies having  
6           jurisdiction over cannabis, commercial cannabis activity, or Commercial  
7           Cannabis Businesses.

8           B.       Every Adult-Use Cannabis Business shall comply with all  
9           applicable State laws, guidelines, and regulations for cannabis and  
10          commercial cannabis activity, as may be adopted and as amended by any  
11          State agency or department, including, but not limited to, the Department of  
12          Cannabis Control, the State Department of Food and Agriculture, the State  
13          Department of Public Health, the State Department of Pesticide Regulation,  
14          the Attorney General, and the State Department of Tax and Fee  
15          Administration.

16          C.       Every Adult-Use Cannabis Business shall comply with all  
17          applicable local and regional agency regulations, including, but not limited  
18          to, regulations issued by the State Water Resources Control Board and the  
19          Los Angeles County Agricultural Commissioner/Weights and Measures.

20          D.       Adult-Use Cannabis Businesses shall provide copies of State,  
21          regional and local agency licenses, permits, approvals, or certificates upon  
22          verbal or written request by the City Manager, to serve as verification for  
23          such compliance.

24           5.92.415     Right to use and occupy premises.

25           Every Adult-Use Cannabis Business permittee, and applicant for the same,  
26           shall maintain a legal right to occupy and a right to use the premises upon which  
27           the Adult-Use Cannabis Business operates.

28           5.92.420     Location requirements.

1           A.     Except as otherwise provided for in this Chapter, a premises  
2 shall comply with zoning districts in Title 21 (Zoning Ordinance) of this  
3 Code, Specific Plans, or Planned developments.

4           B.     Adult-Use Cannabis Dispensary premises shall not be located  
5 within:

6                 1.     A six-hundred foot (600') radius of a public or private  
7 school (as defined in California Health and Safety Code Section  
8 11362.768(h)).

9                 2.     A six-hundred foot (600') radius of a day care center.

10                3.     A six-hundred foot (600') radius of a playground or  
11 community center.

12                4.     A six hundred foot (600') radius of a library.

13                5.     A one-thousand foot (1,000') radius of any other  
14 Dispensary.

15                6.     A building which contains a dwelling unit, with the  
16 exception of those dispensaries otherwise permitted on ground floors of  
17 mixed-use buildings within the Downtown Planned Development District  
18 (PD-30).

19                7.     A dwelling unit within any zoning district.

20           C.     A premises for a cannabis business that is not an Adult-Use  
21 Cannabis Dispensary shall not be located within:

22                 1.     A one-thousand foot (1,000') radius of a public or  
23 private school (as defined in California Health and Safety Code Section  
24 11362.768(h)).

25                 2.     A one-thousand foot (1,000') radius of a public beach.

26                 3.     A six-hundred foot (600') radius of a public park, public  
27 library, or day care center.

28                 4.     A building which contains a dwelling unit.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. A dwelling unit within any zoning district.

D. Youth center buffer. Pursuant to its authority under California Business and Professions Code Section 26054, the City hereby establishes a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis Businesses licensed under this Chapter; therefore, there is no buffer distance requirement for youth centers for Adult-Use Cannabis Business within the City.

5.92.425 Noncompliant locations.

A. If the Director of Financial Management has deemed an application complete, any Adult-Use Cannabis Business may continue the application process unaffected if the proposed premises becomes non-compliant with the buffers in subsections (1) through (4) of Section 5.92.420.A due to the establishment of any sensitive use.

B. A permittee pursuant to this Chapter may continue to operate unaffected if the permitted premises becomes non-compliant with the buffers in subsections (1) through (4) of Section 5.92.420.A due to the establishment of any sensitive use, so long as an Adult-Use Cannabis Business Permit remains valid.

5.92.430 Measurement of distance between sites.

The distance between a proposed premises and any sensitive use, as set forth in subsections (1) through (4) of Section 5.92.420.A, shall be determined by the horizontal distance measured in a straight line from the site boundary of the sensitive use to the closest site boundary of the site on which the proposed premises is to be located, without regard to intervening structures.

5.92.435 Premises requirements.

A. Except as otherwise provided in this Chapter, the premises of two (2) or more Commercial Cannabis Businesses proposed on the same site or within the same cannabis facility shall be granted approval only if:

1                   1.     All of the proposed Commercial Cannabis Businesses  
2                   and their operation from the same site or cannabis facility are authorized by  
3                   both local and applicable State law and regulations; and

4                   2.     Every Commercial Cannabis Business within said  
5                   cannabis facility or on any one site operates from a separate premises and  
6                   property address.

7                   B.     Commercial Cannabis Businesses issued permits for multiple  
8                   permit types at the same physical address shall maintain clear separation  
9                   between permit types unless otherwise authorized by local and State law.

10                  C.     Two (2) or more permitted premises may share a common  
11                  lobby, common interior walkway, or common interior hallway and  
12                  bathroom(s), wherein no permitted privileges will be exercised, provided  
13                  that all premises comply with the requirements of this Chapter and any  
14                  applicable State laws and regulations.

15                  D.     Commercial Cannabis Businesses shall obtain all necessary  
16                  local and State licenses and permits, and land use approvals from local and  
17                  State agencies for each type of commercial cannabis activity proposed at  
18                  every separate premises.

19                  E.     Commercial Cannabis Businesses shall ensure the  
20                  requirements set forth in this Code for each type of commercial cannabis  
21                  activity and every separate premises are satisfied, including all parking  
22                  requirements.

23                  F.     Except for Commercial Cannabis Businesses authorized by  
24                  the State to operate as a Type 12 Microbusiness, Commercial Cannabis  
25                  Businesses shall only conduct one (1) type of commercial cannabis activity  
26                  per permitted premises. Commercial Cannabis Businesses intending to  
27                  apply with the State for, and operate as, a Type 12 Microbusiness State  
28                  license shall obtain a separate permit for every type of commercial

1 cannabis activity on the proposed premises.

2 G. The City may allow one (1) permittee to conduct both adult-  
3 use and medicinal commercial cannabis activities from the same permitted  
4 premises if:

- 5 1. The requirements of this Section are satisfied; and
- 6 2. The permittee holds both an Adult-Use Cannabis  
7 Business Permit and a Medical Marijuana Business Permit for the identical  
8 type of commercial cannabis activity at the same premises.

9 5.92.440 Business identification signage.

10 A. Exterior business identification signage for every Adult-Use  
11 Cannabis Business shall conform to the requirements of State law and this  
12 Code, including, but not limited to, Title 21 of this Code and California  
13 Business and Professions Code, Chapter 15 (“Advertising and Marketing  
14 Restrictions”) of Division 10.

15 B. Business identification signage shall be limited to that needed  
16 for identification only and shall not contain any logos or information that  
17 identifies, advertises, or lists the services or the products offered. Business  
18 identification signage is discouraged for Adult-Use Cannabis Businesses  
19 that are not open to the public.

20 C. Exterior signage for one (1) Commercial Cannabis Business  
21 issued permits for two (2) or more commercial cannabis activities at the  
22 same physical address shall be cumulative; one (1) business identification  
23 sign shall represent all uses.

24 5.92.445 Fire prevention system.

25 A. Where applicable, every Adult-Use Cannabis Business shall  
26 implement fire prevention measures on the premises in compliance with  
27 Title 18 of this Code, including but not limited to, fire sprinkler systems, fire  
28 alarm systems, fire extinguishers, and gas detections systems.



1           B.     The Adult-Use Cannabis Business shall obtain all necessary  
2 permits for any fire prevention systems installed at the premises and/or  
3 cannabis facility from the Long Beach Fire Department.

4           C.     A minimum of a one (1) hour fire barrier shall be maintained  
5 between every premises of a Commercial Cannabis Business and any  
6 adjacent business that is not engaged in commercial cannabis activity or  
7 that is not a Commercial Cannabis Business.

8           D.     Every premises shall be fully separated from any other  
9 premises where commercial cannabis activities are conducted by walls that  
10 extend from floor to underneath the roof with five-eighths inch (5/8") drywall  
11 on both sides. All doors and windows separating commercial cannabis  
12 activities shall be one (1) hour rated.

13 5.92.450     General sanitation requirements.

14           A.     Washing facilities. Every premises shall have:

15                1.     Hand-washing facilities designed to ensure an  
16 employee's hands do not pose a source of contamination to products,  
17 surfaces, or packaging materials. Hand-washing facilities shall also be  
18 convenient and furnish hot running water running water of at least 100°F;

19                2.     Effective hand-cleaning (liquid soap) and disposable  
20 paper towel or suitable drying devices;

21                3.     Three (3) compartment utensil washing facilities;

22                4.     Bathrooms; and

23                5.     Mop sinks with hot and cold running water.

24           B.     Adequate lighting. Cannabis facilities shall have adequate  
25 lighting in the following areas: hand-washing areas; dressing and locker  
26 rooms; toilet facilities; all areas where components or cannabis goods are  
27 examined, trimmed, harvested, manufactured, processed, packed, or held;  
28 and in all areas where equipment or utensils are cleaned.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5.92.455 Cannabis public health permit.

A. Permit required. Every Adult-Use Cannabis Business shall obtain a cannabis public health permit prior to the establishment or operation of any adult-use commercial cannabis activity and in addition to any other applicable permits and licenses required pursuant to State and local law to engage in adult-use commercial cannabis activity.

B. Application and fees required. To obtain a cannabis public health permit, every Adult-Use Cannabis Business shall file an application with the City Health Officer, on a form provided for that purpose, and pay a nonrefundable cannabis public health permit fee established by resolution of the City Council. The City Health Officer may request additional documentation and information as deemed necessary for the Adult-Use Cannabis Business to demonstrate compliance.

C. Permit provisions.

1. All cannabis public health permits are valid for twelve (12) months from the date of issuance and may be renewed annually.

2. Every cannabis public health permit is valid only for the person, premises, and type of commercial cannabis activity specified in the permit. Cannabis public health permits are not transferable upon change of ownership or relocation of the premises.

3. Every premises where commercial cannabis activities occur within the same cannabis facility requires a separate cannabis public health permit.

4. All public health permits and licenses shall be posted in a conspicuous place within the premises.

D. Permit renewals.

1. An application for renewal of any cannabis public health permit shall be submitted to the City Health Officer at least sixty (60)

1 business days prior to the expiration date of the current cannabis public  
2 health permit, but no more than one-hundred and twenty (120) calendar  
3 days prior to the expiration of the current cannabis public health permit.

4 2. An Adult-Use Cannabis Business that does not obtain  
5 a renewed cannabis public health permit by the end of the business day of  
6 the expiration date shall discontinue operation of the Adult-Use Cannabis  
7 Business until a new cannabis public health permit is issued.

8 3. Any cannabis public health permit that has not been  
9 renewed by the annual renewal date will not be valid and is deemed  
10 inactive.

11 4. Denial of applications or renewals. The City Health  
12 Officer may deny an application or renewal application for a cannabis public  
13 health permit for any reason enumerated in Section 5.92.1540 of this  
14 Chapter.

15 E. Permit suspension or revocation.

16 1. Any cannabis public health permit issued under this  
17 Chapter may be suspended or revoked by the City Health Officer for any  
18 violation of the requirements of this Chapter, this Code, or State or local  
19 laws or regulations.

20 2. Any premises, or portion of a premises, for which the  
21 cannabis public health permit has been suspended or revoked shall close,  
22 cease doing business, and remain closed until the cannabis public health  
23 permit has been reinstated or reissued by the City Health Officer.

24 3. Whenever the City Health Officer finds the operation of  
25 any Adult-Use Cannabis Business does not comply with the requirements  
26 of this Chapter or State or local laws or regulations, a written notice to  
27 comply, that contains a required compliance date, shall be issued to the  
28 Adult-Use Cannabis Business.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. If the Adult-Use Cannabis Business fails to comply within the specified time, the City Health Officer may issue a written notice setting forth the acts or omissions with which the Adult-Use Cannabis Business is charged, and informing the Adult-Use Cannabis Business of a right to a hearing, if requested, to show cause why the cannabis public health permit should not be suspended or revoked.

5. Notice requirements for an Adult-Use Cannabis Business's request for an appeal, and the suspension or revocation of a cannabis public health permit shall be governed by the provisions of Division IX of this Chapter. No person shall conduct any activity regulated by this Section after a cannabis public health permit for such activity has been revoked or during the time a cannabis public health permit therefor has been suspended.

Subdivision II General Operating Requirements.

5.92.510 Community Liaison.

A. Adult-Use Cannabis Businesses shall have a Community Relations Liaison designated at all times, who shall be twenty-one (21) years of age or older. Any Co-Located Cannabis Business or Commercial Cannabis Business conducting two (2) or more commercial cannabis activities within the same cannabis facility shall designate one (1) Liaison for the site.

B. The Liaison shall be responsible for receiving and responding to all concerns and complaints made to the City regarding the Adult-Use Cannabis Business and for making a good faith attempt to promptly address all concerns and resolve all complaints.

C. The Liaison shall respond by phone or e-mail within forty-eight (48) hours of any complaint(s) or concern(s) reported by a City official.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- D. The Liaison’s name and contact information shall be:
1. Publicly available, such as, available to any individual upon request, on the Adult-Use Cannabis Business’s website, marketing material, or the technology platform used by the Adult-Use Cannabis Business.
  2. Provided to the City Manager prior to operation of the business and within forty-eight (48) hours of a designation of a new Liaison.
  3. Provided to all neighboring businesses located within one-hundred feet (100’) of the permitted premises or cannabis facility, as measured in a straight line without regard to intervening structures, between the front doors of each establishment prior to opening.
  4. Posted conspicuously, and in a conspicuously visible font size, on the main entry doors to the business.

5.92.515 Display of permit and license.

Every Adult-Use Cannabis Business shall maintain a copy of its City permit and State license on display during business hours and in a conspicuous place so that the City permit and State license may be readily seen by all persons entering the premises.

5.92.520 Age restrictions.

Individuals under twenty-one (21) years of age shall not be allowed on the premises of any Adult-Use Cannabis Business, except as pertaining to the sale of cannabis for medicinal use by a Dispensary to a medical patient or primary caregiver who is at least eighteen (18) years of age.

5.92.525 No direct sales to the public.

Except as otherwise provided for in this Chapter and Chapter 5.90 of this Code for Dispensaries, no direct sales of cannabis goods to the public may occur upon a permitted premises of a Distributor, Cultivator, Manufacturer, or Testing Laboratory.

1           5.92.530     Advertising and marketing.

2                   A.     All advertisements and marketing, including off-site  
3 advertising signs, on-premises signs, labels, and billboards by an Adult-Use  
4 Cannabis Business shall comply with this Chapter, Title 21 of this Code,  
5 any regulations implemented by the State or any of its divisions or  
6 departments, and California Business and Professions Code Chapter 15  
7 (“Advertising and Marketing Restrictions”) of Division 10.

8                   B.     Not attractive to children. Advertisements and marketing may  
9 not be designed to appeal to children or encourage children to consume  
10 cannabis goods, contain any false or misleading statements, or make any  
11 misrepresentations.

12                  C.     Billboard advertising and marketing.

13                           1.     No person shall place, establish, keep, allow, maintain,  
14 or locate any advertisement or marketing for cannabis goods on any  
15 billboard located within a one-thousand foot (1,000’) radius of a public park,  
16 day care center, or public or private school (as defined in California Health  
17 and Safety Code Section 11362.768(h)).

18                           2.     The City hereby establishes a zero-foot (0’) radius  
19 buffer for youth centers and playgrounds for any advertisements or  
20 marketing of cannabis goods on a billboard within the City by a Commercial  
21 Cannabis Business; therefore, there are no buffer distance requirements for  
22 youth centers or playgrounds for billboards advertising or marketing  
23 cannabis goods within the City.

24           5.92.535     Waste management.

25                   A.     Obligation to comply. When managing cannabis goods,  
26 chemicals, hazardous or dangerous waste, Adult-Use Cannabis Businesses  
27 are obligated to obtain all required permits, licenses, or other clearances  
28 and comply with all orders, laws, regulations, or other requirements of other

1 regulatory agencies, including, but not limited to, local health agencies,  
2 regional water quality control boards, air quality management districts or air  
3 pollution control districts, local land use authorities, and fire authorities.

4 B. The sale of cannabis waste is prohibited.

5 C. Storage of cannabis waste. All cannabis waste shall be stored  
6 in a secured waste receptacle or in a secured area on the permitted  
7 premises. For the purposes of this section, "secure waste receptacle" or  
8 "secured area" means that physical access to the receptacle or area is  
9 restricted to the permittee, employees of the permittee, or by the local  
10 agency or local agency franchised or contracted waste hauler only. Public  
11 access to the designated receptacle or area shall be strictly prohibited.

12 D. Before removing any cannabis waste from the premises for  
13 disposal, the Adult-Use Cannabis Business shall render cannabis goods  
14 unusable and unrecognizable in compliance with State and local laws or  
15 regulations.

16 E. Records of cannabis waste. Every Adult-Use Cannabis  
17 Business shall maintain accurate and comprehensive records at the  
18 premises regarding cannabis waste that accounts for, reconciles, and  
19 provides evidence of, all activity related to the generation and disposal or  
20 deposition of cannabis waste.

21 5.92.540 Ventilation and filtration system.

22 A. Every Adult-Use Cannabis Business shall implement  
23 adequate ventilation system and odor control filtration measures to prevent  
24 odors from inside the cannabis facility from being detected outside the  
25 cannabis facility.

26 B. Certification of system. A licensed professional engineer shall  
27 certify that the system is capable of preventing odors from inside the  
28 cannabis facility from being detected outside the cannabis facility. The

1 design of the ventilation and filtration system shall be based on industry-  
2 specific best control technologies and best management practices to  
3 effectively mitigate cannabis odors. The system shall use a range of odor  
4 mitigation practices to control odor-emitting activities, sources, and  
5 locations.

6 C. Training and maintenance. The Adult-Use Cannabis Business  
7 is responsible for regular maintenance to ensure the system remains  
8 functional and shall implement staff training procedures regarding use and  
9 maintenance of the system.

10 D. Records. All records relating to odor management shall be  
11 made available upon verbal or written request of the City Health Officer,  
12 including but not limited to:

13 1. Odor complaints received, actions taken by the  
14 business, and responses to the complaint; and

15 2. System installation, maintenance, and any equipment  
16 malfunctions.

17 5.92.545 Discourage illegal, criminal, or nuisance activities.

18 A. Every Adult-Use Cannabis Business shall take reasonable  
19 steps to discourage persons on the Site of the permitted premises, and  
20 within any parking areas under the control of the Adult-Use Cannabis  
21 Business, from engaging in illegal, criminal, or nuisance activities. For  
22 purposes of this Section, "illegal, criminal, or nuisance activities" includes,  
23 but is not limited to, disturbances of the peace, public intoxication, drinking  
24 alcoholic beverages in public or on the site of the permitted premises,  
25 smoking or ingesting cannabis goods in public or on the site of the  
26 permitted premises, illegal drug activity, vandalism, obstruction of the  
27 operation of a another business, harassment of passersby, gambling,  
28 prostitution, loitering, public urination, lewd conduct, drug trafficking,



1 excessive loud noise, or any other behavior that adversely affects or  
2 detracts from the quality of life for adjoining residents, property owners, or  
3 businesses.

4 B. Loitering prohibited. Loitering is prohibited on or around the  
5 premises or any area under control of the Adult-Use Cannabis Business.  
6 Adult-Use Cannabis Businesses shall prevent individuals from remaining on  
7 the premises or site of the Adult-Use Cannabis Business if they are not  
8 engaging in an activity directly related to the permitted operations of the  
9 Adult-Use Cannabis Business.

10 C. Property maintenance. The site, premises, and all associated  
11 parking areas, including the adjacent area under the control of the Adult-  
12 Use Cannabis Business and any sidewalk or alley, shall be maintained in  
13 an attractive condition and shall be kept free of obstruction, trash, litter, and  
14 debris.

15 D. Graffiti. Adult-Use Cannabis Businesses shall remove graffiti  
16 from the premises within forty-eight (48) hours of its occurrence.

17 E. Nuisances. Commercial cannabis activity shall not adversely  
18 affect the health or safety of the nearby residents by creating dust, glare,  
19 heat, noise, smoke, vibration, or other negative impacts, and shall not be  
20 hazardous due to use or storage of materials, processes, products,  
21 chemicals, or wastes. Commercial Cannabis Activity shall not adversely  
22 affect health, safety, or welfare of any persons engaged in the operation of  
23 the Adult-Use Cannabis Business.

24 5.92.550 Recordkeeping.

25 A. Adult-Use Cannabis Businesses shall comply with all  
26 recordkeeping requirements, as set forth in this Chapter, California  
27 Business and Professions Code Section 26000 et seq., and all applicable  
28 regulations implemented and enforced by the State or any of its

1 departments and divisions.

2 B. Every owner and operator of an Adult-Use Cannabis Business  
3 shall maintain legible, clear, adequate, and accurate books, records, and  
4 documentation, demonstrating that all cannabis goods have been obtained  
5 from, and are provided to, other State licensees, and shall detail all of the  
6 revenues and expenses of the business, and all of its assets and liabilities  
7 on the premises. All records shall be in English.

8 C. All required records shall be stored, preserved, and maintain  
9 on the premises for a minimum of (7) years. Mandatory records shall be  
10 stored in a secured area where the records remain protected from debris,  
11 moisture, contamination, hazardous waste, fire, or theft. Electronic records  
12 shall be secured and backed up in a manner that prevents unauthorized  
13 access and that ensures the integrity of the records is maintained.

14 D. Adult-Use Cannabis Businesses shall maintain a current  
15 register of the names and the contact information (including the address, e-  
16 mail address and telephone number) of anyone owning or holding an  
17 interest in the Adult-Use Cannabis Business, and separately a register of all  
18 the officers, managers, employees, responsible persons, and volunteers  
19 currently employed or otherwise engaged by the Adult-Use Cannabis  
20 Business. The register required by this subsection shall be provided to the  
21 City Manager upon a verbal or written request.

22 E. Point-of-sale inventory control and reporting system.

23 1. Adult-Use Cannabis Businesses shall maintain a point-  
24 of-sale software inventory control and reporting system that accurately  
25 documents the present location, amounts, and descriptions of all cannabis  
26 goods for all stages of the growing, production, manufacturing, laboratory  
27 testing, distribution processes, sale, transfer, purchase, receipt, and  
28 delivery of cannabis goods, as set forth in California Business and

1 Professions Code Section 26000 et seq. and any regulations implemented  
2 thereunder.

3 2. The software shall be capable of producing electronic  
4 shipping manifests, tracking all cannabis inventory in possession of the  
5 Adult-Use Cannabis Business, promptly identifying any discrepancy in the  
6 stock, and tracking cannabis from the customer back to its source in the  
7 event of a serious adverse event.

8 3. The system shall have the capability to produce  
9 historical transactional data for review by the City.

10 F. Track-and-Trace.

11 1. Tracking inventory. Adult-Use Cannabis Businesses  
12 shall promptly comply with any track-and-trace system requirements  
13 established by the State or any of its departments and divisions.

14 2. Every Adult-Use Cannabis Business is responsible for  
15 the accuracy and completeness of all data and information entered into the  
16 track-and-trace system. Data entered into the track-and-trace system shall  
17 be accurate. Inaccuracies in the track-and-trace system, if not corrected,  
18 may result in an enforcement action against the Adult-Use Cannabis  
19 Business.

20 5.92.555 Notification to City.

21 A. Breaches of security. Every Adult-Use Cannabis Business  
22 shall notify the City Manager and the Long Beach Police Department in  
23 writing, within twenty-four (24) hours after discovering any of the following:

24 1. Significant discrepancies identified in inventory.  
25 2. Suspected diversion, theft, loss, or any other criminal  
26 activity pertaining to the operation of the Adult-Use Cannabis Business and  
27 cannabis goods.

28 3. Discovering diversion, theft, loss, or any other criminal

1 activity by any individual authorized to engage in the operation of the Adult-  
2 Use Cannabis Business and pertaining to the operations of the business.

3 4. The loss or unauthorized alteration of records related to  
4 cannabis goods, customers, or employees of the Adult-Use Cannabis  
5 Business.

6 5. Any other breach of security.

7 6. All written notifications regarding a breach of security  
8 shall include the date and time of occurrence of theft, loss, or criminal  
9 activity and a description of the incident including, where applicable, and  
10 the item(s) that were taken or lost.

11 B. Criminal acts.

12 1. Adult-Use Cannabis Businesses shall notify the City  
13 Manager in writing, either by mail or by electronic mail, of any felony  
14 conviction against any owner or manager of the Adult-Use Cannabis  
15 Business within forty-eight (48) hours of the conviction.

16 2. The written notification to the City Manager shall  
17 include the date of conviction, the court docket number, the name of the  
18 court in which the person was convicted, and the specific offense(s) for  
19 which the person was convicted.

20 C. Change in permit or license status.

21 1. Adult-Use Cannabis Businesses shall notify the City  
22 Manager in writing within ten (10) days, either by mail or by electronic mail,  
23 of any denial, suspension, modification, revocation, or expiration or any  
24 applicable State or local license and/or permit required for the operation of  
25 the Adult-Use Cannabis Business.

26 2. The written notification shall include the name of the  
27 agency involved, a written explanation of the proceeding or enforcement  
28 action, and the specific violation(s) that led to the discipline or revocation.

1 Subdivision III Cannabis Goods.

2 5.92.610 Handling of cannabis goods.

3 A. Every person that handles cannabis goods shall comply with  
4 the provisions of all relevant State and local laws regarding the storage,  
5 preparation, handling, packaging, preparation, distribution, and sale of food.

6 B. Employee health and handling cannabis goods.

7 1. To reduce the likelihood of foodborne disease  
8 transmission, individuals who are suffering from symptoms associated with  
9 acute gastrointestinal illness, or are known to be infected with a  
10 communicable disease that is transmissible through foodstuffs, are  
11 prohibited from handling cannabis goods until they are free of that illness or  
12 disease, or are incapable of transmitting the illness or disease through  
13 cannabis goods.

14 2. The City Health Officer has authority to exclude any  
15 Adult-Use Cannabis Business employee that handles cannabis goods from  
16 any Adult-Use Cannabis Business if the employee is diagnosed with an  
17 illness caused by an infectious agent, and the employee is either  
18 symptomatic and still considered infectious, or is not experiencing  
19 symptoms of the illness associated with that agent but is still considered  
20 infectious.

21 3. For purposes of this Section, "illness caused by an  
22 infectious agent" means a condition caused by any of the following  
23 infectious agents: Hepatitis A virus; Salmonella typhi; Salmonella spp;  
24 Shigella spp; Entamoeba histolytica; Enterohemorrhagic or shiga toxin  
25 producing Escherichia coli; Norovirus; and any other communicable  
26 diseases that may be transmitted to others through the handling of  
27 cannabis goods.

28 4. The Adult-Use Cannabis Business may remove a

1 restriction placed on an employee upon the resolution of symptoms, as  
2 reported by an employee, if the employee states that he or she no longer  
3 has any symptoms of an acute gastrointestinal illness.

4 5. Only the City Health Officer may remove exclusions or  
5 restrictions, or both, related to diagnosed illnesses due to infectious agents  
6 specified in this Section after the City Health Officer provides a written  
7 clearance stating that the excluded or restricted employee is no longer  
8 considered infectious.

9 5.92.620 Storage of cannabis goods.

10 A. Every Adult-Use Cannabis Business shall store currency and  
11 cannabis goods, including all living cannabis plants, in a manner that  
12 prevents diversion, theft, loss, hazards, contamination, and nuisances.

13 B. Cannabis goods shall be stored separate and apart from  
14 employee break rooms, changing facilities, or bathrooms.

15 C. Except for limited amounts of cannabis goods used for display  
16 purposes, samples, or immediate sale, cannabis goods that do not require  
17 refrigeration, and currency, shall be stored in a limited-access area, such as  
18 a secured and locked safe room, or in a locked safe or vault, that is secured  
19 to the structure of the cannabis facility.

20 D. Any refrigerator, refrigerated storage, or freezer used for  
21 storage of cannabis products shall be locked and secured to the structure of  
22 the cannabis facility in a limited-access area.

23 E. All extractions, concentrates, infusions, components, and  
24 edible cannabis products intended for human consumption and capable of  
25 supporting the growth of undesirable microorganisms shall be refrigerated  
26 at temperatures of 41°F continually, unless otherwise approved by the City  
27 Health Officer. Adult-Use Cannabis Businesses shall follow the  
28 Manufacturer's requirements for safe storage of such cannabis products.

1 F. Refrigeration equipment standards. All refrigerators,  
2 refrigerated storage, or freezers used for commercial cannabis activity  
3 under this Chapter shall:

4 1. Meet National Sanitation Foundation (NSF) or  
5 American National Standards Institute (ANSI) standards or an equivalent.

6 2. Be equipped with an NSF thermometer or temperature-  
7 recording device that is accurate to plus or minus 2°F and installed in a  
8 location to indicate the air temperature in the warmest part of the unit and to  
9 be readily visible.

10 3. Be approved by the City Health Officer prior to use.

11 5.92.630 Laboratory testing of cannabis goods.

12 Cannabis goods may not be sold or transferred to a Dispensary, or  
13 released for retail sale, unless a representative sample of the cannabis goods  
14 have undergone and passed all testing pursuant to California Business and  
15 Professions Code Section 26000 et seq. and any applicable regulations  
16 implemented and enforced by the State or any of its divisions or departments.

17 5.92.640 Quality assurance of cannabis goods.

18 A. Internal quality assurance testing. Notwithstanding any of the  
19 provisions of this Chapter, an Adult-Use Cannabis Business may conduct  
20 internal quality assurance testing of any cannabis goods as part of its  
21 reasonable business operations. This provision shall not be interpreted to  
22 authorize or permit cross-licensing of a Laboratory with any other type of  
23 permit under this Chapter or with respect to State law.

24 B. Quality assurance testing by the City.

25 1. The City Health Officer may collect and analyze  
26 samples or specimens of cannabis goods, including any living cannabis  
27 plants and any components used in cannabis products, from any premises  
28 during business hours, or any reasonable time, without notice and at no

1 cost to the Health Department, to verify compliance with State and local  
2 laboratory testing, packaging, and labeling requirements for cannabis  
3 goods.

4 2. The City Health Officer shall provide the Adult-Use  
5 Cannabis Business with a receipt or documentation for any samples or  
6 specimens of cannabis goods collected from an Adult-Use Cannabis  
7 Business prior to leaving the permitted premises. A copy of the results of  
8 the sample analysis shall be provided to the Adult-Use Cannabis Business.

9 3. The City Health Officer may take any enforcement  
10 action necessary to protect the health, safety, and welfare of the public  
11 depending on the testing results and analysis of the sample(s) or  
12 specimen(s) of cannabis goods collected at a permitted premises.

13 5.92.650 Adulterated or misbranded cannabis goods.

14 A. When the City Health Officer has evidence that cannabis  
15 goods in possession of an Adult-Use Cannabis Business are adulterated or  
16 misbranded, the City Health Officer may notify and order the Adult-Use  
17 Cannabis Business to immediately cease any commercial cannabis activity  
18 related to all cannabis goods that have been identified as being potentially  
19 adulterated or misbranded.

20 B. Upon confirmation from the State, including any of its  
21 departments or divisions, that the identified cannabis goods are adulterated  
22 or misbranded, the City Health Officer may issue orders to the Adult-Use  
23 Cannabis Business regarding the required movement, segregation,  
24 isolation, or destruction of the adulterated or misbranded cannabis goods,  
25 and may order those to be held in place, embargoed, or quarantined.

26 C. It is unlawful for any person to move, or allow to be moved,  
27 any cannabis goods that are subject to an order to quarantine, embargo, or  
28 hold cannabis goods in place unless that person has first obtained written



1 authorization from the City Health Officer and/or State Department of Public  
2 Health.

3  
4 Subdivision IV Security.

5 5.92.710 Security standards.

6 Every Adult-Use Cannabis Business shall implement security measures to  
7 prevent unauthorized entrance into areas containing cannabis goods and  
8 currency, prevent the theft of cannabis goods and currency from the premises, and  
9 to protect the physical safety of employees in compliance with this Chapter, State  
10 law, and any regulations implemented and enforced by the State or any of its  
11 divisions or departments. These security measures shall include, but shall not be  
12 limited to, all of the provisions of this Subdivision.

13 5.92.715 Limited-access areas.

14 Adult-Use Cannabis Businesses shall establish limited-access areas  
15 accessible only to authorized employees of the Adult-Use Cannabis Business.

16 5.92.720 Identification badges.

17 All employees of an Adult-Use Cannabis Business shall display or wear a  
18 laminated or plastic-coated identification badge at all times while engaging in  
19 commercial cannabis activity, including during transport and delivery of cannabis  
20 goods. At a minimum, the identification badge shall include:

- 21 A. The Adult-Use Cannabis Business's "doing business as"  
22 name, City permit number, and State license number;
- 23 B. The first name of the individual;
- 24 C. Any employee number exclusively assigned to that individual  
25 for identification purposes; and
- 26 D. A color photograph of the individual that clearly shows the full  
27 front of the individual's face that is at least one inch (1") in width and one  
28 and a half inches (1.5") in height.

1           5.92.725     Secure transportation area.

2                   A.     Adult-Use Cannabis Businesses shall implement procedures  
3 for safe and secure transportation and delivery of cannabis goods and  
4 currency in accordance with State and local laws and regulations.

5                   B.     Adult-Use Cannabis Businesses shall have an area of the  
6 premises designed for the secure transfer of cannabis goods from the  
7 cannabis facility to a vehicle for transportation or delivery, wherever  
8 possible.

9                   C.     Any individual or employee transferring cannabis goods from  
10 a cannabis facility to a vehicle for transportation or delivery shall be  
11 accompanied by a security escort during the transfer, if the cannabis facility  
12 does not have an area designed for the secure transfer of cannabis goods  
13 from the cannabis facility to a vehicle for transportation or delivery.

14           5.92.730     Digital video surveillance system.

15                   A.     Every Adult-Use Cannabis Business shall implement an  
16 operational digital video surveillance system at the premises that meets or  
17 exceeds the following criteria:

18                           1.     The digital video surveillance system with a minimum  
19 video camera resolution of 1280 × 1024 pixels.

20                           2.     Each video surveillance camera shall record  
21 continuously twenty-four (24) hours per day, seven (7) days a week, and at  
22 a minimum of fifteen (15) frames per second (FPS).

23                           3.     The location and position of each camera shall be  
24 capable of recording images of the area under surveillance, in any light  
25 condition, to allow facial feature identification of persons in the following  
26 locations on the premises:

27                                   a.     In interior and exterior areas where cannabis  
28 goods or currency are present at any given time.

1                   b.       In the immediate interior and exterior areas of  
2 doors, windows, or other avenues of potential access.

3                   c.       Areas open to the public, including a full view of  
4 public right-of-way and any parking lot under the control of the Adult-Use  
5 Cannabis Business.

6                   d.       Point-of-sale locations and areas where  
7 cannabis goods are displayed for sale at a Dispensary, including but not  
8 limited to, a retail area.

9                   e.       Any other areas as required by this Chapter,  
10 State law, or any regulations implemented and enforced by the State or any  
11 of its divisions or departments.

12                B.       Each camera shall be permanently mounted and in a fixed  
13 location and, to the extent reasonably possible, shall be installed in a  
14 manner that prevents intentional obstruction, tampering with, and/or  
15 disabling the camera.

16                C.       All video surveillance equipment shall have sufficient battery  
17 backup to support a minimum of four (4) hours of recording in the event of a  
18 power outage.

19                D.       Every video surveillance system shall be equipped with a  
20 failure notification system that provides prompt notification to the Adult-Use  
21 Cannabis Business of any prolonged surveillance interruption and/or the  
22 complete failure of the surveillance system.

23                E.       Surveillance video recordings shall clearly and accurately  
24 display the date and time. Time is to be measured in accordance with the  
25 United States National Institute of Standards and Technology standards for  
26 the Pacific Time zone.

27                F.       Security notice required. The permitted premises shall have a  
28 sign posted in a conspicuous place near each monitored area on the

1 interior and exterior of the premises and shall not be less than twelve  
2 inches (12") wide and twelve inches (12") long, composed of letters not less  
3 than one inch (1") in height, stating "All Activities Monitored by Video  
4 Camera" or "This Premises is Being Digitally Recorded," or otherwise  
5 advising all persons entering the premises that a video surveillance and  
6 camera recording system is in operation at the premises and recording all  
7 activity as provided in this Chapter.

8 5.92.735 Security records.

9 A. Surveillance recordings of every Adult-Use Cannabis  
10 Business are subject to inspection by the City Manager, or any City  
11 Manager designee, without a search warrant, court order, or subpoena. The  
12 Adult-Use Cannabis Business shall send, or otherwise provide, copies of  
13 the recordings immediately upon verbal request or within a time specified  
14 by the City Manager.

15 B. Secure storage. To prevent tampering or theft, all surveillance  
16 recordings and monitoring equipment shall be kept in a secure limited-  
17 access area of the permitted premises.

18 C. At a minimum, every Adult-Use Cannabis Business shall  
19 maintain the following security records at the premises:

20 1. Surveillance video recordings shall be maintained for a  
21 minimum of ninety (90) days and on an IP-configurable Digital Video  
22 Recorder (DVR) capable of producing a still photograph in color from any  
23 live or recorded camera image at the premises and capable of exporting the  
24 images in TIFF, BMP, or JPG format.

25 2. A map of the camera locations, the direction of camera  
26 coverage, and assigned camera numbers.

27 3. Surveillance equipment maintenance activity logs and  
28 operating instructions for the surveillance equipment.

1                   4.     A user authorization list of individuals who have access  
2 to the surveillance system, including, but not limited to, the secured area for  
3 recording and monitoring equipment and physical media and surveillance  
4 recording storage devices.

5     5.92.740     Security alarm system.

6                   Every Adult-Use Cannabis Business shall implement an operational  
7 security alarm system at the premises that meets or exceeds the following criteria:

8                   A.     The security alarm system shall be operated, maintained,  
9 monitored by, and responded to by a security company staffed twenty-four  
10 hours (24) a day, seven (7) days a week and licensed by the Department of  
11 Consumer Affairs, Bureau of Security and Investigative Services.

12                   B.     The security alarm system shall include sensors to detect all  
13 points of entry and exit, from all limited-access and secured areas, all roof  
14 hatches, and all windows.

15                   C.     Every Adult-Use Cannabis Business shall obtain a security  
16 alarm system permit pursuant to Chapter 5.12 of this Code.

17     5.92.745     Commercial-grade locks.

18                   Every Adult-Use Cannabis Business shall secure the following areas using  
19 commercial-grade, non-residential door locks, roof hatches, and window locks in a  
20 manner that prevents free and unauthorized access:

21                   A.     All points of ingress and egress to a premises.

22                   B.     Limited-access areas.

23                   C.     Areas where cannabis goods, living cannabis plants, cannabis  
24 waste, and currency are stored and/or present at any given time.

25                   D.     Areas where surveillance equipment and records are stored.

26     5.92.750     Security barriers.

27                   A.     Any security barriers installed on the windows or the doors of  
28 the premises shall be installed only on the interior of the building and in

1 compliance with all City Building, Zoning, and Fire Codes. Security bars are  
2 discouraged for all Adult-Use Cannabis Businesses and shall not be  
3 minimally visible from the public right-of-way.

4 B. Security barriers shall meet the following criteria:

5 1. Only open grill design security systems located on the  
6 inside of the building shall be permitted on elevations visible from the street.

7 2. Open grill design security systems shall be primarily  
8 transparent with not less than seventy-five percent (75%) visibility from the  
9 street.

10 3. Solid roll-down security doors are prohibited unless  
11 part of a vehicle loading bay.

12 4. Interior security gates shall be opened and fully  
13 retracted during the hours of operation.

14 5.92.755 Remain secure during power outage.

15 Every Adult-Use Cannabis Business shall have the capability to remain  
16 secure during a power outage. Adult-Use Cannabis Businesses shall also ensure  
17 that all access doors on the premises are not solely controlled by an electronic  
18 access panel, to ensure that locks are not released during a power outage.

19 5.92.760 Visibility.

20 A. From a public right-of-way, there shall be no exterior evidence  
21 of cannabis goods, graphics depicting cannabis goods, or commercial  
22 cannabis activity, except for any signage authorized by this Code.

23 B. Exterior lighting. Every Adult-Use Cannabis Business shall  
24 implement exterior lighting security measures including, but not limited to:

25 1. All exterior light fixtures shall be vandal resistant,  
26 installed on exterior walls, and shall be the type of fixture with proper cut-  
27 offs to avoid any light pollution, including but not limited to, urban sky glow,  
28 light trespass, glare, and clutter.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, exterior doors, and all window areas during the hours of darkness.

3. Any broken or burned out lights shall be replaced within seventy-two (72) hours.

5.92.765 Building design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.

B. Blank building facades over twenty-five feet (25') fronting the street or parking lot shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, windows, doors, and changes in color and materials that result in a building with articulation.

C. Windows.

1. On any building elevation visible from the street, windows shall comprise at least forty percent (40%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.

2. An identifiable entrance to the cannabis facility shall be visible from the street.

3. Windows along the street-facing frontage shall be

1 transparent. Such glass should be clear with an exterior daylight reflectance  
2 of not more than eight percent (8%).

3 4. Where feasible, the storefront window shall provide  
4 visibility to the tenant space. Where visibility to the tenant space by means  
5 of the storefront window is not feasible due to security needs of the  
6 permittee's operation, the creation of a storefront window display may be  
7 permitted.

8 5. Window display areas shall have a minimum depth of  
9 at least forty-eight inches (48"), not including walls. Display windows shall  
10 be permitted for up to sixty percent (60%) of the building's storefront  
11 window area. Display areas shall be well lit during hours of operation. The  
12 window display area shall be maintained with a creative attractive window  
13 display including but not limited to display of artwork, non-cannabis plants,  
14 and the like.

15  
16 Subdivision V Prohibited Activities.

17 5.92.810 Consumption of cannabis prohibited; signage required.

18 A. Cannabis goods shall not be consumed by any individual on  
19 the premises of an Adult-Use Cannabis Business. The term "consumed"  
20 includes, but is not limited to, vaporizing, inhaling, ingesting, smoking,  
21 eating, or otherwise introducing cannabis goods into the human body.

22 B. Adult-Use Cannabis Businesses shall post a sign in a  
23 conspicuous place near the interior entrance to the premises, that shall be  
24 visibly posted with a clear and legible notice with the following language:  
25 "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis  
26 products, tobacco, or alcohol on these premises, or in their vicinity, is  
27 prohibited and a violation of the Long Beach Municipal Code."

28 5.92.820 Alcohol or tobacco prohibited.



1           No person shall cause or permit the sale, dispensing, storage, distribution,  
2 or consumption of alcohol or tobacco products on or about the premises of an  
3 Adult-Use Cannabis Business.

4           5.92.830     Physician evaluations prohibited.

5           Adult-Use Cannabis Businesses shall not:

6           A.     Permit a physician to evaluate existing or potential medicinal  
7 cannabis patients on its premises by any means, or permit a physician to  
8 provide a physician's recommendation on its premises, including, but not  
9 limited to: a physician that provides evaluations or recommendations in-  
10 person from the permittee's site or on-site via the internet, or a physician  
11 that provides recommendations via the internet, fax, electronic means, or by  
12 any other means from the permittee's site.

13           B.     Enter into an agreement with, employ, provide, or offer to  
14 provide, any form of remuneration to, a physician who provides physician's  
15 recommendations for medicinal cannabis.

16           C.     Advertise or market services for a physician who provides  
17 physician's recommendations for medicinal cannabis.

18           5.92.840     Weapons or firearms prohibited.

19           Weapons and firearms are prohibited on the premises of an Adult-Use  
20 Cannabis Business. This provision does not apply to public officials engaged in  
21 official duty or uniformed security personnel or patrol hired or contracted by an  
22 Adult-Use Cannabis Business.

23           5.92.850     Generators prohibited.

24           The use of generators by any Adult-Use Cannabis Business is prohibited,  
25 except as short-term temporary emergency back-up systems.

26           5.92.860     Outdoor storage of cannabis goods prohibited.

27           No outdoor storage of cannabis goods is permitted at any time.

28           5.92.870     Drive-through services prohibited.

1 Drive-through services or walk-up window services where cannabis goods  
2 are sold, or made available to any person, that are operated in conjunction with  
3 any Adult-Use Cannabis Business are prohibited.

4  
5 DIVISION IV - DISPENSARY OPERATING CONDITIONS

6 In addition to the general operating requirements set forth in Division III of  
7 this Chapter, this Division provides additional requirements for Dispensaries and  
8 delivery services.

9  
10 5.92.910 Compliance.

11 Dispensaries may sell, distribute, dispense, provide, deliver, or transport  
12 Cannabis, only in accordance with all applicable laws and regulations, including  
13 but not limited to, this Code, any regulations implemented by the Bureau of  
14 Cannabis Control, California Business and Professions Code Sections 26000 et  
15 seq., and all other applicable State, federal and local laws and regulations.

16 5.92.915 Hours of operation.

17 Dispensaries may only be open to the public between the hours of 9:00  
18 a.m. to 9:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods  
19 to customers by a Dispensary shall be completed by 10:00 p.m.

20 5.92.920 Security personnel.

21 A. Dispensaries shall hire or contract for uniformed security  
22 personnel to provide twenty-four (24) hour random security patrols of the  
23 premises to monitor site activity, control loitering and site access, and to  
24 serve as a visual deterrent to unlawful activities. At a minimum, uniformed  
25 security personnel shall be generally located at an indoor guard station on  
26 the premises during all hours of operation and security-patrolling services  
27 shall patrol the premises during all hours the Dispensary is closed to the  
28 public.

1           B. All uniformed security personnel hired or contracted by a  
2 Dispensary shall be licensed with the State of California Bureau of Security  
3 and Investigative Service, and shall comply with requirements in California  
4 Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

5 5.92.925 Protocols for individuals entering the premises.

6           A. No person shall be permitted to enter a Dispensary without  
7 government-issued identification. Dispensaries shall not provide cannabis  
8 goods to any person, whether by purchase, trade, gift, or otherwise, who  
9 does not possess a valid government-issued identification and who does  
10 not meet the age requirements of this Chapter.

11           B. Electronic age verification device required. Dispensaries shall  
12 verify the proof of age of every person entering the business with an  
13 electronic age verification device, prior to entry of the retail area. The  
14 electronic age verification device may be mobile or fixed, and shall be able  
15 to retain a log of all scans that includes the following information: date, time,  
16 and age. Said log shall be kept for a minimum of one-hundred and eighty  
17 (180) business days and all records shall be made available to the City  
18 Manager upon request.

19 5.92.930 Point-of-sale tracking required.

20           A Dispensary shall facilitate the dispensing, making available, sale, and  
21 delivery of cannabis goods with a technology platform that uses point-of-sale  
22 technology to track, and database technology to record and store, the following  
23 information for each transaction involving the exchange of cannabis goods  
24 between the Dispensary and customer:

25           A. The date and time of transaction.

26           B. The first name and employee number of the Dispensary  
27 employee who processed the sale of cannabis goods on behalf of the  
28 Dispensary.

1 C. A list of all the cannabis goods purchased, including the  
2 quantity purchased.

3 D. The total amount paid for the sale, including the individual  
4 prices paid for cannabis or cannabis products purchased, and any amounts  
5 paid for taxes.

6 5.92.935 Taxes.

7 Transactions for Dispensaries shall be taxed at the non-medical marijuana  
8 tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is  
9 able to prove by reasonable and verifiable standards which portion of the gross  
10 receipts are tied to the sale of the adult-use cannabis goods and which portion are  
11 tied to the sale of medicinal cannabis goods.

12 5.92.940 Cannabis goods.

13 A. A Dispensary shall not make any cannabis goods available for  
14 sale or delivery to a customer unless the cannabis goods were received  
15 from a State licensed Distributor.

16 B. Prior to making cannabis goods available to customers,  
17 Dispensaries shall ensure that all cannabis goods dispensed, sold,  
18 delivered, or made available by the Dispensary, at a minimum:

19 1. Are packaged and sealed in tamper-evident packaging  
20 that includes a unique identifier, such as a batch number and lot number or  
21 bar code, to identify and track the cannabis goods.

22 2. For manufactured cannabis products, that the product  
23 complies with all requirements of California Business and Professions Code  
24 Section 26130 and all other applicable laws and regulations.

25 3. The Dispensary has verified that the cannabis goods  
26 have not exceeded their expiration or sell-by date, if one is provided.

27 4. For edible cannabis product, that the products comply  
28 with State packaging and labeling requirements, including, but not limited

1 to:

2 a. Edible cannabis products shall not exceed 10  
3 milligrams of tetrahydrocannabinol (THC) per serving.

4 b. The THC content for the cannabis product in its  
5 entirety is printed on the package.

6 c. All applicable requirements pursuant to  
7 California Business and Professions Code Sections 26120 and 26121 and  
8 any regulations promulgated thereunder.

9 C. Exit packaging. Cannabis goods purchased by a customer  
10 shall not leave the Dispensary's premises unless placed in an opaque (not  
11 see-through) exit package.

12 D. Secure storage of cannabis goods. Cannabis goods that are  
13 not used for display purposes or immediate sale shall be stored in a limited-  
14 access area, such as a secure and locked room, safe, or vault, and in a  
15 manner reasonably designed to prevent diversion, theft, and loss. It is  
16 unlawful, and a violation of this Chapter for a Dispensary to store cannabis  
17 goods in the retail area after the close of business.

18 E. Edible cannabis products.

19 1. Dispensaries may only dispense, sell, provide, or make  
20 available those edible cannabis products authorized by the State  
21 Department of Public Health and the City Health Officer.

22 2. The sale, distribution, and delivery of edible cannabis  
23 products shall be conducted in a manner that complies with all applicable  
24 food safety laws for the protection of humans consuming cannabis.

25 F. No sales of expired cannabis products. Dispensaries are  
26 prohibited from selling any expired cannabis goods. It is unlawful for any  
27 person to alter, edit, or adjust, in any manner, an expiration date on any  
28 item or cannabis product once affixed by its Manufacturer.

1           5.92.945       Daily limit per person.

2                   No Dispensary shall sell, distribute, or deliver more than 28.5 grams of  
3 cannabis or eight (8) grams of concentrated cannabis, including concentrated  
4 cannabis contained in cannabis products, to the same customer in the same  
5 business day.

6           5.92.950       No free adult-use cannabis goods.

7                   A Dispensary shall not provide free adult-use cannabis goods to any  
8 person. A Dispensary shall not allow individuals that are not employed by the  
9 Dispensary to provide free adult-use cannabis goods to any person on the  
10 permitted premises. In this Section, "free adult-use cannabis goods" shall mean  
11 any amount of cannabis goods provided to any person without cost or payment in  
12 exchange of any other thing of value.

13           5.92.955       Interior signage required.

14                   Dispensaries shall post the following notice(s), on a separate sign, or by  
15 adding the following notices to the interior sign required pursuant to Section  
16 5.90.060 of this Code, conspicuously and where an average customer is likely to  
17 clearly view said notice within the permitted premises:

18                   A.       "Smoking, vaporizing, ingesting, or consuming cannabis,  
19 cannabis products, tobacco, or alcohol on these premises, or in their  
20 vicinity, is prohibited and a violation of the Long Beach Municipal Code."

21                   B.       "Patrons must immediately leave the premises and should not  
22 consume cannabis goods until at home or in an equivalent private location."

23                   C.       "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis  
24 and cannabis-derived products will expose you and those in your immediate  
25 vicinity to cannabis smoke. Cannabis smoke is known by the State of  
26 California to cause cancer."

27           5.92.960       Delivery services.

28                   In addition to the requirements set forth in this Chapter for Dispensaries, the

1 delivery of cannabis goods shall be subject to the following requirements:

2 A. Compliance. Delivery services shall be conducted in  
3 accordance with any relevant State and local laws and regulations, any  
4 applicable local laws in the delivery location, and any conditions imposed  
5 upon a Dispensary.

6 B. Delivery services may operate only as a part of, and in  
7 conjunction with, a Dispensary with a storefront open to the public during  
8 business hours and permitted pursuant to this Chapter and Chapter 5.90 of  
9 this Code and any applicable State laws and regulations.

10 C. No person shall conduct sales of cannabis goods exclusively  
11 by delivery.

12 D. Any application for a Dispensary shall include a statement as  
13 to whether the proposed use will include delivery of cannabis goods to  
14 customers.

15 E. Vehicle standards. Dispensaries shall only allow delivery of  
16 cannabis goods in a vehicle that:

17 1. Is capable of securing (locking) the cannabis goods  
18 during transportation.

19 2. Is capable of being time and/or temperature controlled,  
20 if perishable cannabis goods are being transported.

21 3. Does not display advertising or symbols visible from  
22 the exterior of the vehicle that suggest the vehicle is used for cannabis  
23 delivery or affiliation with a Dispensary.

24 F. Inspections. Any motor vehicle used by a Dispensary to  
25 deliver cannabis goods is subject to inspection by the City Manager or Chief  
26 of Police and may be stopped at the premises or during the delivery for  
27 inspection.

28 G. Delivery employees. Every delivery employee of a Dispensary

1 shall be at least twenty-one (21) years of age and shall have a valid  
2 California Driver's License.

3 H. Documentation during transport. Delivery employees of a  
4 Dispensary shall carry a physical or electronic copy of the delivery request  
5 receipt with details regarding the delivery, a copy of the Dispensary's  
6 current permits and/or licenses required by the State and City, the  
7 employee's government-issued identification, and an identification badge  
8 provided by the Dispensary. All documentation shall be made available  
9 upon request to the City Manager or Chief of Police.

10 I. Dispensaries shall maintain a database, and provide to the  
11 City Manager upon verbal or written request, a list of delivery employees  
12 and vehicles authorized to conduct deliveries on behalf of the Dispensary.

13 J. Delivery employees shall personally verify, for each individual  
14 transaction, that the identity of the customer receiving cannabis goods from  
15 the Dispensary is the same as the person who ordered the delivery, and  
16 that said person is twenty-one (21) years of age or older, via the  
17 presentation of a valid government-issued identification.

18 K. Limitations.

19 1. While making deliveries, a Dispensary's delivery  
20 employee shall not carry cannabis goods worth more than limits imposed by  
21 the State at any time. This value shall be determined using the current retail  
22 price of all cannabis goods carried by the delivery employee.

23 2. Direct route only. Except where a delivery employee  
24 requires rest, fuel, vehicle repair, or where the road conditions make the  
25 continued use of the road unsafe, impossible, or impracticable, a delivery  
26 employee may only travel to and from the Dispensary, to the delivery  
27 address, and between delivery addresses while delivering cannabis goods.

28 3. Dispensaries and delivery employees may only deliver



1 cannabis goods to customers within a city or county that does not expressly  
2 prohibit such delivery by ordinance.

3 4. Consumption prohibited. No person shall consume or  
4 otherwise ingest cannabis goods, alcohol, any controlled substance, or  
5 intoxicants while transporting or delivering cannabis goods.

6 5. The Dispensary shall prepare a delivery request receipt  
7 for each delivery of cannabis goods that shall include the following:

- 8 a. The name and address of the Dispensary;
- 9 b. The first name and employee number of the  
10 Dispensary's delivery employee who delivered the order;
- 11 c. The first name and employee number of the  
12 Dispensary's employee who prepared the order for delivery;
- 13 d. The first name of the customer and a  
14 Dispensary-assigned customer number for the person who requested the  
15 delivery;
- 16 e. The date and time the delivery request was  
17 made;
- 18 f. The delivery address;
- 19 g. A detailed description of all cannabis goods  
20 requested for delivery. The description shall include the weight, volume, or  
21 any other accurate measure of the amount of all cannabis goods requested;
- 22 h. The total amount paid for the delivery, including  
23 any taxes or fees, the cost of the cannabis goods, and any other charges  
24 related to the delivery; and
- 25 i. Upon delivery, the date and time the delivery  
26 was made, and the signature of the customer who received the delivery.

27 6. A vehicle used for the delivery of cannabis goods shall  
28 be outfitted with a dedicated Global Positioning System (GPS) device for

1 identifying the geographic location of the delivery vehicle in compliance with  
2 all applicable State laws and regulations.

3 a. The dedicated GPS device must be owned by  
4 the Dispensary and used for delivery only.

5 b. The device shall be either permanently or  
6 temporarily affixed to the delivery vehicle, shall remain active, and inside of  
7 the delivery vehicle at all times during delivery.

8 c. At all times, the Dispensary shall be able to  
9 identify the geographic location of all delivery vehicles that are making  
10 deliveries for the Dispensary and shall provide that information to the City  
11 Manager or Chief of Police upon request.

12 5.92.965 Responsible Vendor Training Pilot Program.

13 A. Purpose and Intent. Recognizing the potential harms and  
14 public health implications associated with cannabis use, the purpose of this  
15 Section is to promote public health and safety to reduce the likelihood of the  
16 problematic use of cannabis by proactively requiring that all customer-  
17 facing employees and managers of Dispensaries learn the necessary skills  
18 to protect customers, the public, employees of the Dispensary, and  
19 Dispensaries through a Responsible Vendor Training Program.

20 B. Compliance. Every customer-facing manager and employee  
21 of a permitted Dispensary shall enroll in the Department of Health and  
22 Human Services' standardized training for Dispensaries within ninety (90)  
23 days of the establishment of the City's Responsible Vendor Training Pilot  
24 Program. Upon completion of such training, employees and managers shall  
25 receive written confirmation from the Department of Health and Human  
26 Services of successful completion of the program. Dispensaries shall keep  
27 a copy of said written confirmation on the permitted premises for every  
28 customer-facing employee and manager.

1 C. New employees and managers. Any newly hired manager or  
2 employee of a permitted Dispensary shall successfully complete the  
3 Responsible Vendor Training Pilot Program within sixty (60) days of said  
4 individual's first day of employment.

5 D. Renewal of Training. After initial successful completion of the  
6 Responsible Vendor Pilot Training Program, every manager and employee  
7 of a Dispensary shall successfully complete the Responsible Vendor  
8 Training Pilot Program every twenty-four (24) months.

9 E. Online or in-person training is at the discretion of the  
10 Department of Health and Human Services. Nothing in this Section shall  
11 prevent the City from becoming a training provider under any similar  
12 program for Dispensaries implemented by the State.

13 F. Within three (3) years of the establishment of the program, the  
14 City Council will consider the available data and determine whether and  
15 how to continue the program. This Section shall remain in effect until  
16 revoked by the City Council.

17  
18 DIVISION V - CULTIVATION OPERATING CONDITIONS

19 In addition to the general operating requirements set forth in Division III of  
20 this Chapter, this Division provides additional requirements for Cultivators.

21  
22 5.92.1010 Compliance.

23 A. Cultivation shall always be conducted in accordance with  
24 State and local laws and regulations related to cultivation, zoning, grading,  
25 electricity, water usage, water quality, fish and wildlife habitat protection,  
26 wastewater discharges, pesticides, and fertilizers, handling and storage of  
27 gases, and employee safety.

28 B. Cultivation shall always be conducted in such a way as to

1 ensure the health, safety, and welfare of the public, the employees working  
2 at the cultivation site, neighboring properties, to protect the environment  
3 from harm to waterways, fish, and wildlife; to ensure the security of the  
4 cannabis; and to safeguard against the diversion of cannabis for unlicensed  
5 purposes.

6 5.92.1015 Outdoor cultivation prohibited.

7 All cultivation shall occur indoors, and only on a site holding a valid Adult-  
8 Use Cannabis Business Permit from the City pursuant to this Chapter. All outdoor  
9 or mixed light cultivation is prohibited, including but not limited to, the use of  
10 greenhouses.

11 5.92.1020 Maximum canopy size.

12 A. The total canopy size on one (1) premises shall not exceed  
13 the maximum number of square feet authorized by State license  
14 classifications Type 1A, Type 1C, Type 2A, Type 3A, and Type 4.

15 B. The total canopy size on one (1) premises shall not exceed  
16 the maximum number of square feet identified in the application and  
17 authorized by the Adult-Use Cannabis Business Permit. Permittees shall  
18 obtain written permission from the City prior to engaging in any activity that  
19 results in an increase of the square feet of maximum canopy authorized by  
20 the Adult-Use Cannabis Business Permit.

21 5.92.1025 Extension cords prohibited.

22 The use of extension cords to supply power to any electrical equipment  
23 used in cultivation is prohibited. All electrical equipment used in cultivation shall be  
24 plugged directly into a wall outlet or otherwise hardwired.

25 5.92.1030 Interior lighting.

26 All lighting used for indoor cultivation shall be fully shielded, downward  
27 casting, and shall not spill over onto structures, other properties, or into the night  
28 sky. Indoor cultivation lighting shall be contained so that little to no light escapes

1 and any light that escapes from the cultivation site shall be at a level that is not  
2 visible from neighboring properties between sunset and sunrise.

3 5.92.1035 Environmental control systems.

4 A. In additional to the general odor control and ventilation  
5 requirements in Section 5.92.540, every Cultivator shall implement  
6 environmental control systems to minimize and/or prevent the likelihood of  
7 mold and mildew growth. Cultivators shall regularly test for mold and  
8 mildew within the cultivation site.

9 B. Environmental control systems at a cultivation site shall  
10 include a range of environmental control technologies and practices to  
11 control humidity levels, illumination, heating, cooling, air circulation, and  
12 ventilation.

13 C. Compatibility with odor prevention and ventilation systems.  
14 Cultivators shall implement an environmental control system that is  
15 adequately compatible with any odor control prevention and ventilation  
16 systems at the cultivation site. For purposes of this Section, "adequately  
17 compatible" means that any environmental control systems and odor control  
18 systems operating at the cultivation site operate concurrently to prevent  
19 cannabis odors from being detected outside the cultivation site, while still  
20 allowing for the permittee to successfully cultivate.

21 5.92.1040 Water source.

22 Cultivators shall comply with California Water Code Section 13149 and any  
23 implementing regulations, policies, or guidelines adopted by the State Water  
24 Resources Control Board regarding water usage, the diversion of water, and the  
25 discharge of waste while cultivating cannabis.

26 5.92.1045 Carbon dioxide testing.

27 Cultivators shall test carbon dioxide levels within cultivation areas at the  
28 cultivation site, if carbon dioxide is added to the air. No carbon dioxide shall be

1 utilized for cultivation without prior inspection and approval of the City's Building  
2 Official and the Fire Code Official.

3 5.92.1050 Storage and use of compressed gas.

4 A. Storage and use of compressed gases in compressed gas  
5 containers, cylinders, tanks, and systems used for cultivation shall comply  
6 with this Code and the California Fire Code.

7 B. Any compressed gases used in cultivation shall not be stored  
8 on any property within the City in containers that exceed the amount that is  
9 approved by the Fire Code Official and authorized by the Adult-Use  
10 Cannabis Business Permit.

11 5.92.1055 Pesticides.

12 A. Cultivators shall comply with all applicable federal, State and  
13 local laws and regulations regarding use, storage, and disposal of  
14 pesticides and fertilizers, including, without limitation, those enforced by the  
15 State Department of Food and Agriculture and State Department of  
16 Pesticide Regulation. Cultivators shall ensure hazards are not created on  
17 the permitted premises by the use or storage of chemicals, fertilizers,  
18 materials, processes, products, or wastes.

19 B. Pesticides, insecticides, and/or fertilizers prohibited by federal,  
20 state, or local law for fertilization or production of edible produce shall not  
21 be used for cultivation.

22 C. Employee safety. At a minimum, Cultivators using pesticides  
23 shall protect all employees from exposure to pesticides by following  
24 pesticide labels; providing required personal protective equipment;  
25 providing access to pesticide labels, safety information, and training on an  
26 annual basis; properly ventilating all areas of the cultivation site; and proper  
27 storage, handling, and disposal of pesticides in compliance with State,  
28 federal, and local laws and regulations pertaining to pesticide use and

1 worker safety.

2 5.92.1060 Packaging and labeling.

3 A. All cannabis packaged and/or labeled by a Cultivator shall  
4 meet the provisions of packaging and labeling requirements specified by  
5 State law, including but not limited to, California Business and Professions  
6 Code Division 5 (“Weights and Measures”) and Division 10 (“Cannabis”)  
7 and any regulations implemented and enforced by the Bureau of Cannabis  
8 Control, the State Department of Public Health, or State Department of  
9 Food and Agriculture.

10 B. Prior to distribution and transportation, a Cultivator shall  
11 package and seal all cannabis in tamper-evident packaging and use a  
12 unique identifier of the harvest batch to identify and track said cannabis.

13 C. Product labels. All labels for cannabis shall include all of the  
14 following: all required government warnings; the net weight of cannabis in  
15 the package; source and the date of cultivation; the type of cannabis; the  
16 date of packaging; and the product’s unique identifier for the harvest batch.

17 D. Packaging that makes cannabis attractive to children or  
18 imitates candy is prohibited.

19 5.92.1065 Accurate weights and measures.

20 A. Weighing devices used by a Cultivator shall be approved,  
21 tested, sealed, and registered with the Los Angeles County Agricultural  
22 Commissioner/Weights and Measures in compliance with California  
23 Business and Professions Code Division 5 (“Weights and Measures”) and  
24 Division 10 (“Cannabis”), any regulations implemented by the State  
25 Department of Food and Agriculture, and all other applicable local, State,  
26 and Federal laws.

27 B. Cultivators are prohibited from using scales, weights, or  
28 measures that do not accurately conform to the standard of weights and

1 measures of the State and county.  
2

3 DIVISION VI - MANUFACTURING OPERATING CONDITIONS

4 In addition to the general operating requirements set forth in Division III of  
5 this Chapter, this Division provides additional requirements for Manufacturers.  
6

7 5.92.1110 Compliance.

8 A. The manufacture of cannabis products shall comply with the  
9 standards set by State and local law, including but not limited to those  
10 related to volatile and nonvolatile extractions; labeling, packaging,  
11 repackaging, and relabeling; infusions; safety; discharges; waste disposal;  
12 processing, handling, and storage of solvents or gases; and food handling.

13 B. Manufacturers shall only be allowed to engage in the  
14 manufacture of cannabis authorized by State law and in the Adult-Use  
15 Cannabis Business Permit issued for the premises. No additional  
16 manufacturing activities may be conducted without applying for, and  
17 receiving written permission, from the City for said additional activity.

18 C. The manufacture of cannabis products shall be conducted in a  
19 manner to ensure the operation does not pose a significant threat to the  
20 health, safety, and welfare of the public or to neighboring properties.

21 5.92.1115 Additional ventilation requirements.

22 A. In addition to the general odor control and ventilation  
23 requirements in Section 5.92.540, Manufacturers shall utilize adequate  
24 ventilation or control equipment to minimize dust, odors, and vapors  
25 (including steam and noxious fumes) in areas where they may cause  
26 allergen cross-contact or contamination of cannabis products.

27 B. Fans and other air-blowing equipment used at a  
28 manufacturing facility shall be used in a manner that minimizes the potential



1 for allergen cross-contact and contamination of manufactured cannabis  
2 products or packaging materials and contact surfaces intended for  
3 manufactured cannabis handling or production.

4 5.92.1120 Sanitation standards.

5 A Manufacturer shall comply with sanitation standards equivalent to the  
6 California Retail Food Code (Part 7 (commencing with Section 113700) of Division  
7 104 of the California Health and Safety Code) for food preparation, storage,  
8 handling, and sale of products. Cannabis, including concentrated cannabis in a  
9 cannabis product, manufactured in compliance with this Chapter and State law is  
10 not considered an adulterant under this Chapter.

11 5.92.1125 Quality and preventative controls.

12 A. Quality control. A Manufacturer shall employ quality control  
13 personnel and establish standard operating procedures that comply with  
14 current good manufacturing practices, as outlined by the State Department  
15 of Public Health and the U.S. Food and Drug Administration.

16 B. Preventative controls. All Manufacturers have a continuous  
17 obligation to identify and/or evaluate known or reasonably foreseeable  
18 hazards and implement written preventive controls to significantly minimize  
19 or prevent manufactured cannabis products from becoming adulterated or  
20 misbranded.

21 5.92.1130 Standard operating procedures.

22 A Manufacturer creating cannabis extracts shall develop standard operating  
23 procedures, good manufacturing practices, and a training plan prior to producing  
24 extracts for the marketplace.

25 5.92.1135 Fire Code Official approval required.

26 Manufacturers conducting extractions, including any professional closed  
27 loop systems or equipment used in extraction or processing, shall be approved for  
28 their use by the Fire Code Official and shall comply with the following

1 requirements:

2 A. Any required fire, safety, and building code requirements  
3 specified in the California Building and Fire Codes, as adopted by the City.

4 B. Any State laws and regulations implemented and enforced by  
5 the State Department of Public Health.

6 5.92.1140 Vacuum ovens.

7 A. Vacuum ovens shall not be used to process volatile solvents  
8 or flammable/combustible liquids contained in cannabis concentrate unless  
9 said vacuum oven is rated to process the vapors of volatile solvents or  
10 flammable/combustible liquids, such as a vacuum oven that is rated with an  
11 explosion-proof classification.

12 B. Manufacturers conducting extractions with a vacuum oven  
13 shall take adequate precautions to ensure that any cannabis concentrate  
14 introduced into said oven does not contain volatile solvents or  
15 flammable/combustible liquids.

16 C. All vacuum ovens used in the manufacture of cannabis  
17 products shall be listed by a Nationally Recognized Testing Laboratory  
18 (NRTL).

19 5.92.1145 Doors to extraction room.

20 Doors to any room where Manufacturers use volatile solvents, hazardous  
21 materials, or flammable/combustible liquids in the manufacture of cannabis shall  
22 swing in the direction of egress, be self-closing and/or self-latching, and be  
23 provided with panic hardware.

24 5.92.1150 Refrigerators.

25 A. Volatile solvents, hazardous chemicals, and  
26 flammable/combustible liquids, including volatile solvents, hazardous  
27 chemicals, and flammable/combustible liquids contained in concentrated  
28 cannabis or cannabis goods, shall be stored in a refrigerator, refrigerated

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

storage, or a freezer rated to store flammable liquids.

B. Manufacturers shall store and process all volatile solvents or flammable/combustible liquids, including concentrated cannabis and manufactured cannabis that contains volatile solvents or flammable/combustible liquids, in refrigerators, refrigerated storage, or freezers rated to store flammable liquids which are, at a minimum, rated “Lab-Safe” or “Flammable Safe.”

5.92.1155 Closed loop system required.

A. Chemical extractions using carbon dioxide or a volatile solvent shall be conducted in a professional and commercially manufactured closed loop extraction system that has been certified by a California-licensed engineer. All professional and commercially manufactured closed loop systems shall bear a permanently affixed and viable serial number.

B. No closed loop systems shall be utilized without prior inspection and approval of the Fire Code Official.

C. Certification requirements.

1. Certifications from a California-licensed engineer of any closed loop system used by a Manufacturer shall be provided to the Fire Code Official to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

- a. The American Society of Mechanical Engineers (ASME);
- b. American National Standards Institute (ANSI);
- c. Underwriters Laboratories (UL); or
- d. The American Society for Testing and Materials (ASTM).

2. The certification document required pursuant this

1 subsection shall contain the signature and stamp of the professional  
2 engineer and serial number of the extraction unit being certified.

3 D. Training required. Any person using solvents or gases in a  
4 closed looped system to create cannabis extracts shall be fully trained on  
5 how to use the system, have direct access to applicable material safety  
6 data sheets, and handle and store the solvents and gases safely in  
7 compliance with State and local laws and regulations.

8 5.92.1160 Volatile and nonvolatile solvents permitted.

9 A. Manufacturers may only use volatile solvents or gases  
10 approved by the Fire Code Official and State law for extractions.  
11 Manufacturers may use nonvolatile solvents or mechanical processes to  
12 create or refine extracts, if approved by the Fire Code Official.

13 B. Any extraction process must use solvents or gases in a  
14 professional grade closed loop extraction system designed to recover the  
15 solvents and work in an environment with proper ventilation. Manufacturers  
16 shall control all sources of ignition where a flammable atmosphere is or may  
17 be present.

18 5.92.1165 Change in solvent.

19 A. Any Manufacturer that changes the medium of extraction or  
20 solvent used in manufacturing from the technical report previously approved  
21 by the Fire Code Official shall submit a revised technical report for approval  
22 of the Fire Code Official prior to the use of the equipment with said new  
23 medium or solvent. The technical report shall be revised at the cost of the  
24 Manufacturer.

25 B. If the original engineer of record that drafted the last approved  
26 technical report is not available, then the Manufacturer shall comply with the  
27 following requirements prior to submitting a revised technical report to the  
28 Fire Code Official that has been drafted by a new engineer of record:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. The Manufacturer shall submit the new engineer's educational background and professional experience specific to the review and approval of system, equipment, and processes with like hazards of those associated with the extraction system to the Fire Code Official.

2. Once the proof of qualifications is deemed acceptable by the Fire Code Official, the engineer of record shall produce the technical report and the report shall be signed and sealed in accordance with State requirements. The proof of qualifications shall include documentation indicating the person is a professional engineer licensed in the State.

5.92.1170 Storage and use of compressed gas.

A. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems used for cannabis manufacturing shall comply with this Code and the California Fire Code.

B. Any compressed gases used in the manufacturing process shall not be stored on any property within the City in containers that exceed the amount that is approved by the Fire Code Official and authorized by the Adult-Use Cannabis Business Permit.

5.92.1175 Hazardous material requirements.

Manufacturers that use and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations for hazardous waste generators and hazardous material handling requirements and shall maintain any applicable permits from the Certified Unified Program Agency (CUPA) of Long Beach for said regulations and requirements.

5.92.1180 Edible cannabis products.

A. The manufacture, distribution, and transportation of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.

1 B. Cannabis facility requirements and limitations.

2 1. All products, storage facilities, utensils, equipment, and  
3 materials used for the manufacture of edible cannabis products shall be  
4 approved, used, managed, and handled in accordance to the provisions of  
5 all State and local laws regarding the preparation, distribution, labeling, and  
6 sale of food.

7 2. Any manufacturing site that proposes to prepare, store,  
8 dispense, and distribute edible cannabis products shall comply with the  
9 relevant provisions of all State and local laws regarding the preparation,  
10 distribution, labeling, and sale of food.

11 3. No food production shall be allowed in a facility where  
12 edible cannabis products are manufactured to avoid the unintentional  
13 contamination of non-cannabis foods with cannabis.

14 4. Facilities where edible cannabis products are  
15 manufactured shall be constructed, permitted, operated, and inspected in  
16 accordance with the applicable building code and applicable food safety  
17 requirements.

18 5.92.1185 Food handler certification.

19 All owners, employees, volunteers, or other individuals that participate in  
20 the production of edible cannabis products shall be State certified food handlers.  
21 The valid certificate number of each such owner, employee, volunteer, or other  
22 individual shall be on record at the permitted premises where said individual  
23 participates in the production of edible cannabis products.

24 5.92.1190 Packaging and labeling.

25 A. All manufactured cannabis products packaged and/or labeled  
26 by a Manufacturer shall meet the provisions of packaging and labeling  
27 requirements specified by State law, including but not limited to, California  
28 Business and Professions Code Division 5 (“Weights and Measures”) and

1 Division 10 (“Cannabis”), and any regulations implemented and enforced by  
2 the Bureau of Cannabis Control or the State Department of Public Health.

3 B. Packaging that makes cannabis products attractive to children  
4 or imitates candy is prohibited.

5 C. Prior to release of a product to a Distributor, Manufacturers  
6 shall package and seal all cannabis products in tamper-evident packaging  
7 and use a unique identifier for the manufactured cannabis batch to identify  
8 and track the cannabis products.

9 D. Edible cannabis products shall not exceed 10 milligrams of  
10 tetrahydrocannabinol (THC) per serving. The THC content for the edible  
11 cannabis product in its entirety shall be printed on the edible cannabis  
12 product packaging.

13 5.92.1195 Accurate weights and measures.

14 A. Manufacturers shall maintain all weighing devices in good  
15 working order, approved, tested, sealed, and registered with the Los  
16 Angeles County Agricultural Commissioner/Weights and Measures in  
17 compliance Division 5 (“Weights and Measures”) of the California Business  
18 and Professions Code, any regulations implemented by the Manufactured  
19 Cannabis Safety Branch, and all other applicable local, State, and Federal  
20 laws.

21 B. Manufacturers are prohibited from using scales, weights, or  
22 measures that do not accurately conform to the standard of weights and  
23 measures of the State and county.

24  
25 DIVISION VII – SHARED USE MANUFACTURING OPERATING CONDITIONS

26 Manufacturing facilities may be shared, containing multiple licensed permit  
27 holders for a single premises. In addition to the general operating requirements set  
28 forth in Division III and the manufacturing operating requirements set forth in

1 Division VI of this Chapter, this Division provides additional requirements for  
2 Shared Use Manufacturing.

3  
4 5.92.1210 Compliance

5 A. The manufacture of cannabis products in shared-use facilities  
6 shall comply with the standards set by State and local law, including but not  
7 limited to those related to volatile and nonvolatile extractions; labeling,  
8 packaging, repackaging, and relabeling; infusions; safety; discharges;  
9 waste disposal; processing, handling, and storage of solvents or gases; and  
10 food handling.

11 B. Manufacturers shall only be allowed to engage in the  
12 manufacture of cannabis authorized by State law and in the Adult-Use  
13 Cannabis Business Permit issued for the premises. No additional  
14 manufacturing activities may be conducted without applying for, and  
15 receiving written permission, from the City for said additional activity.

16 C. The manufacture of cannabis products shall be conducted in a  
17 manner to ensure the operation does not pose a significant threat to the  
18 health, safety, and welfare of the public or to neighboring properties.

19 5.92.1215 Equity licenses prioritized.

20 A. The City shall accept applications for Shared Use  
21 Manufacturing Operator Licenses from Verified Equity Businesses only for  
22 a period of one (1) year, or until fifteen (15) Operator licenses have been  
23 issued, whichever occurs sooner. The one-year period shall not start until  
24 the date the City begins accepting applications for Shared Use  
25 Manufacturing Operator Licenses.

26 B. After the one-year period has concluded, the City shall begin  
27 accepting applications from all qualifying applicants for the Shared Use  
28 Manufacturing Operator license pursuant to this chapter.



1           5.92.1220   Principal Licensees.

2           A.       Shared-use manufacturing facilities are required to have a  
3           Principal Licensee, who is responsible for the facility.

4           B.       The principal licensee shall operate the shared-use facility in  
5           accordance with the conditions of operation specified in this Chapter.

6           C.       The shared-use manufacturing principal licensee shall be  
7           responsible for ensuring the facility meets all applicable requirements of this  
8           Chapter.

9           D.       No cannabis manufacturer shall operate as a shared-use  
10          manufacturing facility without prior approval of the City.

11          E.       Licensed cannabis manufacturers in good standing may  
12          request to operate as a shared-use manufacturing facility on a form  
13          prescribed by the Director of Financial Management.

14          5.92.1225   Operator Licensees.

15          A.       Operator licenses will only be issued to businesses that have  
16          received written authorization to operate in a licensed shared-use  
17          manufacturing facility.

18          B.       Operator Licensees may only conduct the following  
19          operational activities:

- 20                  1.       Infusions, as defined by this Chapter;
- 21                  2.       Packaging and labeling of cannabis products; and,
- 22                  3.       Extractions with butter or food-grade oils, provided that  
23          the resulting extract or concentrate shall be used solely in the manufacture  
24          of the Operator Licensee's infused product and shall not be sold to any  
25          other licensee.

26          C.       Operator licensees shall have a separate license for each  
27          shared-use manufacturing facility where they are conducting manufacturing  
28          operations.

1 D. Operator Licensees may only operate at the facility identified  
2 by their license and during the hours set forth in the occupancy schedule.

3 5.92.1230 Exemptions.

4 A. Operator Licensees are exempt from the following provisions  
5 of this Chapter:

6 1. 5.92.215.3.d (Proof that the applicant has the legal  
7 right to occupy and use the premises for commercial cannabis activity)

8 2. 5.92.250 (One applicant per address)

9 3. 5.92.425 (Noncompliant locations)

10 4. 5.92.435 (Premises Requirements)

11 5. 5.92.860 (Subletting prohibited)

12 5.92.1235 Use agreements.

13 A. The Principal licensee and the Operator Licensee(s) may take  
14 part in a use agreement which may allocate responsibility for providing and  
15 maintaining commonly used equipment and services, including, but not  
16 limited to, security systems, fire monitoring and protection services, and  
17 waste disposal services. However, such agreement is not binding on the  
18 City and the City may take enforcement action against either the principal  
19 licensee or the Operator Licensee(s), regardless of the allocation of  
20 responsibility in the use agreement.

21 5.92.1240 Designated areas.

22 A. The Principal licensee will identify and assign each Operator  
23 Licensee a "designated area" that, at a minimum:

24 1. Is for exclusive use by the Operator Licensee; and,

25 2. Provides an area for storage that is secure, fixed in  
26 place, locked with a commercial-grade lock, and accessible only to the  
27 Operator Licensee for storage of that Operator Licensee's cannabis,  
28 cannabis concentrates, and cannabis products.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

B. The designated area for an Operator Licensee shall not be altered without prior notification to the City. Prior to making any changes to the designated area, written notification shall be submitted to the City that includes the intended changes. The City shall approve all changes prior to the designated area being altered.

5.92.1245 Common-use areas.

A. The Principal licensee will identify and assign common-use area(s) authorized for use by the Operator Licensee.

B. Any part of the premises used for manufacturing activities that is a common-use area shall be occupied by only one licensee at a time by restricting the time period that each licensee may use the common-use area. During the assigned time period, one licensee shall have sole and exclusive occupancy of the common-use area.

C. The principal licensee may conduct manufacturing activities as permitted under its medical or adult-use manufacturing license and may use the common-use area during its scheduled time period.

5.92.1250 Occupancy schedules.

A. The Principal licensee is responsible for providing an occupancy schedule that identifies the days and/or times each Operator Licensee is authorized to use the common-use area(s).

B. The occupancy schedule shall be prominently posted near the entrance to the licensed shared-use facility.

C. The occupancy schedule shall not be altered without prior notification to the City. Prior to making any changes to the occupancy schedule, written notification shall be submitted to the City that includes the intended changes.

5.92.1255 Facility restrictions.

The use of the shared use facility shall be restricted to the principal licensee

1 and Operator Licensees authorized by the City to use the shared-use facility.

2 5.92.1260 Facility modifications.

3 The use of the shared use facility shall be restricted to the principal licensee  
4 and Operator Licensee(s) authorized by the City to use the shared-use facility.

5 5.92.1265 Cannabis waste.

6 Any cannabis product or other materials remaining after an Operator  
7 Licensee ceases operation and discontinues use of its designated area shall be  
8 considered cannabis waste and disposed of by the principal licensee consistent  
9 with the requirements of this Chapter.

10 5.92.1270 Product recalls or embargoes.

11 In the event of a recall or embargo of a cannabis product produced at a  
12 shared-use facility, the City, in its sole discretion, may include any or all cannabis  
13 products produced at the shared-use facility.

14 5.92.1275 Discontinuing operations.

15 A Principal Licensee that wishes to discontinue operation as a shared-use  
16 facility may do so by providing written notice to the City and each Operator  
17 Licensee authorized to use the shared-use facility at least thirty (30) calendar days  
18 prior to the effective date of the cancellation.

19 5.92.1280 Violations.

20 A Principal licensee or an Operator Licensee is liable for any violation found  
21 at the shared-use facility during that licensee's scheduled occupancy or within that  
22 licensee's designated area. However, a violation of any provision of the Chapter  
23 may be deemed a violation for which each Operator Licensee and the principal  
24 licensee are responsible. In the event of a recall or embargo of a cannabis product  
25 produced at a shared-use facility, the City, in its sole discretion, may include any  
26 or all cannabis products produced at the shared-use facility.

27  
28 DIVISION VIII - DISTRIBUTION OPERATING CONDITIONS

1                   In addition to the general operating requirements set forth in Division III of  
2 this Chapter, this Division provides additional requirements for Distributors.

3  
4                   5.92.1310    Compliance.

5                   A.       A Distributor and the premises shall meet all health protection  
6 operating criteria for the distribution of cannabis goods as required by State  
7 law and regulations implemented and enforced by the Bureau of Cannabis  
8 Control.

9                   B.       Distributors shall transfer cannabis goods only between State  
10 licensees.

11                   5.92.1315    Transport Only Distributor.

12                   A.       Transport Only Distributor may transport cannabis goods  
13 between State licensees if the transport, and the type of cannabis goods  
14 transported, is authorized by State and local law.

15                   B.       A Transport Only Distributor shall comply with all provisions  
16 required by this Code and State law for Distributors, except for those  
17 related to quality assurance and testing.

18                   C.       A Transport Only Distributor shall not hold title to any  
19 cannabis goods unless said Transport Only Distributor also holds a State-  
20 issued Cultivation, Manufacturing, Retailer, or Microbusiness license.

21                   D.       Transport Only Distributors shall not be authorized to:

22                               1.       Engage in the delivery of cannabis goods to a  
23 customer; or

24                               2.       Engage in the wholesale, destruction, packaging,  
25 labeling, or storing of cannabis goods; or

26                               3.       Arrange for the testing of cannabis goods by a Testing  
27 Laboratory.

28                   5.92.1320    Storage.

1           A.     Separate and distinct. Distributors shall ensure that each  
2 batch is stored separately and distinctly from every other batch on the  
3 Distributor's premises.

4           B.     Labels required for batch storage containers. Distributors shall  
5 ensure a label with the following information is physically attached to each  
6 container of each batch: the Manufacturer or Cultivator's name and State  
7 license number; the date of entry into the Distributor's storage area; the  
8 unique identifiers and batch number associated with the batch; a  
9 description of the cannabis goods with enough detail to easily identify the  
10 batch; and the weight of or quantity of units in the batch.

11          C.     A Distributor shall store cannabis goods in a building designed  
12 to permit control of temperature and humidity and shall prevent the entry of  
13 environmental contaminants such as smoke and dust. The area in which  
14 cannabis goods are stored shall be vermin proof and shall not be exposed  
15 to direct sunlight. Distributors shall not store cannabis goods outdoors.

16          D.     Storage-only services. Distributors may provide cannabis or  
17 cannabis product storage-only services to a Cultivator, Manufacturer, or  
18 other Distributor, which are unrelated to the quality assurance and  
19 laboratory testing processes required of the Distributor.

20     5.92.1325   Quality assurance.

21          A.     Distributors shall ensure compliance with any requirements for  
22 packaging and labeling cannabis goods pursuant to State and local law and  
23 regulations.

24          B.     After taking physical possession of a cannabis batch, the  
25 Distributor shall meet all testing requirements and procedures as required  
26 by local and State law and regulations. Upon the request of the City  
27 Manager, the Distributor shall immediately make available the results of all  
28 tests performed on each cannabis batch by a certified State licensed

1 Laboratory.

2 C. A Distributor shall only procure, sell, or transport cannabis  
3 goods that are packaged and sealed in tamper-evident packaging that use  
4 a unique identifier, such as a batch and lot number or bar code, to identify  
5 and track the cannabis goods.

6 5.92.1330 Transport.

7 A. Documentation during transport. Transporters shall carry a  
8 physical or electronic copy of the shipping manifest for the transport of  
9 cannabis goods, a copy of the Distributor's current permits and/or licenses  
10 required by the State and City, the Transporter's government-issued  
11 identification, and an identification badge provided by the Distributor. All  
12 documentation shall be made available upon request to the City Manager or  
13 Chief of Police.

14 B. Transporters shall be at least twenty-one (21) years of age  
15 and shall have a valid California Driver's License.

16 C. Vehicle standards. A Distributor shall only allow transport of  
17 cannabis goods in a vehicle:

18 1. That is capable of securing (locking) the cannabis  
19 goods during transportation.

20 2. That is capable of being time and/or temperature  
21 controlled if perishable cannabis goods are being transported.

22 3. That does not display advertising or symbols visible  
23 from the exterior of the vehicle that suggest the vehicle is used for cannabis  
24 transport or affiliated with a Commercial Cannabis Business.

25 D. Inspections. Any motor vehicle used by a Distributor to  
26 transport cannabis goods is subject to inspection by the City Manager or  
27 Chief of Police and may be stopped during transport, delivery, or pick-up of  
28 cannabis goods for inspection.

1 5.92.1335 Accurate weights and measures.

2 A. Distributors shall maintain all weighing devices in good  
3 working order, approved, tested, sealed, and registered with the Los  
4 Angeles County Agricultural Commissioner/Weights and Measures in  
5 compliance Division 5 ("Weights and Measures") of the California Business  
6 and Professions Code, any applicable State laws and regulations  
7 implemented by the State or its departments or divisions, and all other  
8 applicable local, State, and Federal laws.

9 B. Distributors are prohibited from using scales, weights, or  
10 measures that do not accurately conform to the standard of weights and  
11 measures of the State and county.

12 5.92.1340 Records.

13 A. In addition to records generally required of all Adult-Use  
14 Cannabis Businesses, every Distributor shall maintain records specific to  
15 the operation, including but not limited to: records relating to branding,  
16 packaging and labeling; inventory logs and records; transportation bills of  
17 lading and shipping manifests for completed transports and for cannabis  
18 goods in transit; vehicle and trailer ownership records; quality-assurance  
19 records; records relating to destruction of cannabis goods; laboratory-  
20 testing records; warehouse receipts; records relating to tax payments  
21 collected and paid. The Distributor shall make all records available to the  
22 City upon request.

23 B. Storage records. A Distributor shall maintain a written contract  
24 with other State licensees storing cannabis goods on the Distributor's  
25 premises. A Distributor shall maintain a separate storage inventory log for  
26 every State licensee storing cannabis goods on the Distributor's premises.  
27 The Distributor's storage inventory logs and written contracts shall be  
28 provided to the City Manager upon request. All inventory documents shall



1 contain the identity and State license number of all contracting parties.

2 C. A Distributor shall maintain a database, and provide to the  
3 City upon request, a list of the individuals and vehicles authorized to  
4 conduct transportation on behalf of the Distributor.

5  
6 DIVISION IX - TESTING LABORATORY OPERATING CONDITIONS

7 In addition to the general operating requirements set forth in Division III of  
8 this Chapter, this Division provides additional requirements for Testing  
9 Laboratories.

10  
11 5.92.1410 Compliance.

12 All laboratory testing of cannabis goods shall be performed in accordance  
13 with this Chapter, this Code, and any applicable State law and regulations,  
14 implemented and enforced by the State and its divisions and departments.

15 5.92.1415 No other employment or interest.

16 No owner or employee of a Laboratory may be employed by, or have any  
17 ownership or financial interest, in any other type of commercial cannabis activity.

18 5.92.1420 Laboratory employee requirements.

19 Laboratory employees shall meet the experience, education, and training  
20 requirements specified and required by the State or any of its departments and  
21 divisions.

22 5.92.1425 Certificate of accreditation required.

23 Every Laboratory shall hold a valid certificate of ISO/IEC 17025  
24 accreditation, issued by an accreditation body that attests to the Laboratory's  
25 competence to perform testing of the cannabis goods for compounds and  
26 contaminants, in compliance with State laws and regulations for cannabis testing.  
27 Said accreditation body shall be a signatory to the International Laboratory  
28 Accreditation Cooperation Mutual Recognition Arrangement for testing. The

1 certificate of accreditation shall be kept at the premises.

2 5.92.1430 Standard operating procedures.

3 A Laboratory shall adopt a standard operating procedure using methods  
4 consistent with general requirements established by the International Organization  
5 for Standardization, specifically ISO/IEC 17025, to test cannabis goods, and shall  
6 operate in compliance with State law at all times.

7 5.92.1435 Chain of custody controls.

8 A Laboratory shall establish standard operating procedures that provide for  
9 adequate chain of custody controls for samples transferred to the Laboratory for  
10 testing.

11 5.92.1440 Certificate of Analysis.

12 A Laboratory shall generate a Certificate of Analysis (COA) for all  
13 representative samples analyzed by the Laboratory in compliance with State law  
14 and any regulations implemented and enforced by the Bureau of Cannabis  
15 Control.

16 5.92.1445 Annual audit.

17 A Laboratory shall conduct an internal audit at least once per year or  
18 according to the ISO Accrediting Body and the State's requirements, whichever is  
19 more frequent.

20 5.92.1450 Transportation and storage of testing samples.

21 Every Laboratory shall ensure samples are transferred, transported, and  
22 securely stored in a manner that prevents degradation, contamination, and  
23 tampering, and in compliance with labeling on the cannabis product pursuant to a  
24 specified chain of custody protocol.

25 5.92.1455 Destruction of samples.

26 A Laboratory shall destroy the remains of samples of any cannabis goods  
27 upon completion of analyses, and after the expiration of any post-testing sample  
28 retention period, in compliance with State law and any regulations implemented

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and enforced by the Bureau of Cannabis Control.

5.92.1460 Additional ventilation requirements.

In additional to the general odor control and ventilation requirements in Section 5.92.540, the Laboratory shall implement adequate ventilation or control equipment to minimize dust, odors, and vapors (including steam and noxious fumes) in areas where they may cause allergen cross-contact or contamination of cannabis products. Fans and other air-blowing equipment used at a Laboratory premises shall be used in a manner that minimizes the potential for allergen cross-contact and contamination of cannabis goods.

5.92.1465 Hazardous material requirements.

Laboratories that use and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations for hazardous waste generators, and hazardous materials handling requirements and shall maintain any applicable permits for these programs from the Certified Unified Program Agency (CUPA) of Long Beach.

5.92.1470 Records.

A Laboratory shall ensure the transport, handling, storage, and destruction of samples are accurately documented. All documentation and the results of all testing shall be maintained as a part of the required records of the Laboratory.

DIVISION XI - ENFORCEMENT AND PENALTIES

5.92.1510 Violations generally.

A. It is unlawful for any person to violate any provision, or to fail to comply with any of the conditions or requirements of this Chapter, or any regulation adopted pursuant to it.

B. Separate violation. Every day, during any portion of which, any violation of this Chapter is committed, continued, or allowed to continue

1 is a separate offense and is subject to all remedies and enforcement  
2 measures authorized by this Code.

3 C. Every cannabis plant, including both immature and mature  
4 plants, cultivated in violation of this Chapter by an illegal cannabis operation  
5 constitutes a separate violation subject to the penalties of this Chapter.

6 D. Paying a fine or serving a jail sentence does not relieve any  
7 person from responsibility for correcting any condition that violates any  
8 provision of this Chapter.

9 E. Whenever in this Chapter any act or omission is made  
10 unlawful, it shall include causing, permitting, aiding, abetting, suffering, or  
11 concealing the fact of such act or omission.

12 F. Violation of any provision of this Chapter shall be considered  
13 a strict liability; accordingly, the City shall not be required to prove  
14 knowledge, criminal intent, or any other mental state to establish a violation  
15 of this Chapter.

16 5.92.1515 Remedies cumulative.

17 A. The remedies provided for in this Chapter are not mutually  
18 exclusive. Pursuit of any one remedy does not preclude the City from  
19 availing itself of any or all available administrative, civil, or criminal  
20 remedies, at law or equity. The remedies provided by this Chapter are  
21 cumulative and in addition to any other remedies available at law or in  
22 equity.

23 B. This Chapter does not limit the City's additional remedies for  
24 recovering taxes or damages in accordance with any applicable law  
25 including, without limitation, cannabis business taxes owed by an unlawful  
26 Commercial Cannabis Business pursuant to Chapter 3.80 of this Code.

27 5.92.1520 Declaration of public nuisance.

28 A. Any violation of the provisions of this Chapter is hereby

1 deemed unlawful and a public nuisance.

2 B. As a nuisance per se, any violation of this Chapter is subject  
3 to any of the following remedies, including, without limitation: injunctive  
4 relief, revocation of applicable permits or licenses, revocation of the  
5 certificate of occupancy for the real property where the violation occurred,  
6 disgorgement and payment to the City of all monies unlawfully obtained,  
7 costs of abatement, costs of investigation, attorney fees, and any other  
8 relief or remedy available at law or equity.

9 C. For purposes of notification of nuisance and abatement  
10 pursuant to Section 9.37.100 of this Code, a reasonable time limit for a  
11 property owner or person to correct or abate the nuisance of an illegal  
12 cannabis operation is no less than five (5) calendar days.

13 5.92.1525 Liability of employees and agents.

14 Liability of employees and agents. In construing and enforcing the  
15 provisions of this Chapter, the act, omission, or failure of an agent, officer,  
16 representative, or other person acting for or employed by an Adult-Use Cannabis  
17 Business, within the scope of his or her employment or office, will be in every case  
18 be deemed the act, omission, or failure of the Adult-Use Cannabis Business.

19 5.92.1530 Liability of property owners.

20 A. No property owner in charge of, or in possession of, any real  
21 property within the City shall cause, permit, maintain, conduct, or otherwise  
22 suffer or allow a public nuisance as defined in this Chapter to exist.

23 B. It is the duty of every property owner, and person that controls  
24 any real property or interest therein, within the City to remove, abate, and  
25 prevent the reoccurrence of the public nuisance upon such real property.  
26 Such duty of the property owner exists regardless of whether the property  
27 owner is in actual possession of his or her real property, and includes an  
28 obligation to act to evict or otherwise remove an illegal cannabis operation

1 who illegally exists or creates a public nuisance upon the property owner's  
2 real property.

3 C. In addition to any abatement costs incurred by the City for  
4 closing or removing an illegal cannabis operation from private real property,  
5 failure of a property owner to voluntarily abate an illegal cannabis operation  
6 after notification by the City shall result in the penalties set forth in this  
7 Chapter.

8 5.92.1535 Liability of costs, fines, and fees.

9 A. Liability of costs. In any enforcement action brought pursuant  
10 to this Chapter, whether by administrative proceedings, judicial  
11 proceedings, or summary abatement, every person who causes, suffers,  
12 maintains, or permits any illegal cannabis operation and/or operation to  
13 exist, or remain in violation of this Chapter, is liable for all actual costs  
14 incurred by the City, including, but not limited to: all actual costs for  
15 inspection, enforcement, revocation, suspension, abatement, or any other  
16 actual costs incurred to undertake, or to cause or compel any responsible  
17 party to undertake, any abatement action in compliance with the  
18 requirements of this Chapter, including costs of litigation and reasonable  
19 attorney's fees, whether those costs are incurred prior to, during, or  
20 following enactment of this Chapter.

21 B. Any person may abate an illegal cannabis operation or cause  
22 it to be abated at any time prior to commencement of abatement by, or at  
23 the direction of, the City Manager. Abatement prior to the hearing does not  
24 absolve any person from paying costs, fees, and administrative penalties  
25 that accrued up to the date of abatement. Proof of Abatement shall be  
26 provided to the Hearing Officer(s) at the time of hearing.

27 C. Liability for cost of destruction. If required by State law,  
28 regulation, or court order to destroy any cannabis goods associated with a

1 violation of this Chapter, a violator is responsible for the cost of the  
2 destruction of cannabis goods associated with said violation.

3 D. Failure to pay fines and fees. Failure to pay a fine or penalty  
4 within thirty (30) calendar days of the date of assessment may result in  
5 penalties, suspension, or revocation of the permit, unless the citation is  
6 being appealed. The full amount of any assessed fine or penalty may be  
7 added to the fee for renewal of the permit.

8 5.92.1540 Permit suspension, revocation, or denials.

9 A. Noncompliance. Failure to comply with any of the provisions  
10 of this Chapter will constitute grounds for suspension, denial, or revocation  
11 of the permit. The noticing and hearing requirements for suspension or  
12 revocation of the permit shall be governed by the provisions of Chapter 5.06  
13 of this Code.

14 B. Cease activity. No person may conduct any business or  
15 activity regulated by this Chapter while an application for a permit is  
16 pending, at any time after a permit denial or revocation, or while a permit is  
17 suspended.

18 C. Grounds for denial, revocation, or suspension of permit. In  
19 addition to the provisions of Chapter 5.06 of this Code, the Director of  
20 Financial Management may deny any application for a permit, or revoke or  
21 suspend any permit, on the following grounds:

22 1. A permit application does not satisfy the minimum  
23 qualifications or fails to comply with the applicable requirements of this  
24 Chapter.

25 2. Failure to comply with any of the terms and conditions  
26 attached to the permit at the time of approval.

27 3. Any act or omission that violates the requirements of  
28 this Code, including any rule, regulation, condition, or standard adopted

1 pursuant to this Chapter, or any other applicable State or local rule, law, or  
2 regulation.

3 4. Any act or omission that results in the denial,  
4 revocation, or suspension of the permittee's State license.

5 5. Failure to renew the permittee's State license.

6 6. The permit was granted, in whole or in part, based on  
7 any written or oral misrepresentation or omission of a material statement in  
8 the permit application.

9 7. Conducting a commercial cannabis activity in a manner  
10 that constitutes a nuisance, where the permittee has failed to comply with  
11 reasonable conditions to abate the nuisance.

12 8. Conviction for any controlled substance felony by an  
13 owner after a permit has been issued.

14 9. A person has been, or is, prohibited from having an  
15 ownership interest in an Adult-Use Cannabis Business pursuant to Section  
16 5.92.265.

17 10. A person has committed a deliberate or willful violation  
18 of an applicable law, or applicable rule and regulation related to commercial  
19 cannabis activity.

20 5.92.1545 Appeal of permit denial.

21 A. Any applicant pursuant to this Chapter whose application for  
22 an Adult-Use Cannabis Business Permit, whose application for such permit  
23 has been denied, shall be notified in writing of the denial and their right to  
24 file an appeal, pursuant to Section 5.06.030 of this Code, within ten (10)  
25 calendar days after the date of mailing of the Notice of such denial.

26 B. Any written request for an appeal of a permit denial pursuant  
27 to this Chapter shall include details regarding the denial and the specific  
28 ground(s) on which the dispute of the denial is based. At the time of filing



1 the notice of appeal, the applicant shall pay to the Director of Financial  
2 Management the fee set by resolution of the City Council for appeals  
3 hereunder.

4 C. If the written request is filed within the time period specified,  
5 within thirty (30) days following the filing of said written request, the City  
6 shall set a hearing to be held not less than ten (10) days nor not more than  
7 thirty (30) days thereafter, and such hearing may for good cause be  
8 continued by the City.

9 D. The hearing shall be held in accordance with Chapter 2.93 of  
10 this Code, except that the matter shall be automatically referred to the City  
11 Clerk for selection of a Hearing Officer, without the City Council's referral, in  
12 accordance with Subsection 2.93.050.B of this Code.

13 E. Failure to file the written request within the time period  
14 specified shall result in waiver of any right to dispute the denial of an  
15 application for an Adult-Use Cannabis Business Permit pursuant to this  
16 Chapter. Failure of an appellant or their authorized representative to appear  
17 at any noticed hearing shall constitute an abandonment of the hearing  
18 appeal and shall constitute a failure to exhaust administrative remedies.

19 F. Right to recover costs. In the event a civil action is initiated by  
20 the City to enforce any decision under this Section, and a judgment is  
21 entered to enforce said decision, any person against whom the order of  
22 enforcement has been entered shall be liable to pay the City's total costs of  
23 enforcement, including reasonable attorney fees.

24 5.92.1550 Factors for suspension or revocation.

25 A. The City Manager may consider the following factors in  
26 deciding whether a permit should be suspended or revoked in accordance  
27 with this Chapter, as applicable:

28 1. The nature and severity of the acts, offense, or crimes

1 under consideration.

2 2. Any corrective action taken by the permittee.

3 3. Prior violations at the permitted premises by the  
4 permittee and the effectiveness of prior corrective action.

5 4. Previous sanctions imposed against the permittee.

6 5. The number and/or variety of current violations.

7 6. The likelihood of recurrence.

8 7. All circumstances surrounding the violation.

9 8. Whether the violation was willful.

10 9. Any actual or potential harm to the public.

11 10. The length of time the permit has been held by the  
12 permittee.

13 11. Evidence of expungement proceedings under Penal  
14 Code Section 1203.4.

15 12. Any other factor that makes the situation unique or the  
16 violation of greater concern, with respect to the permittee or the permitted  
17 premises.

18 5.92.1555 Permit reapplications.

19 A. Whenever an application for a permit is denied, no other  
20 application by such permittee will be considered for a period of one (1) year  
21 from the date of the denial of an application, with an exception granted to  
22 any applicant whose Adult-Use Business License Application was denied  
23 solely because the applicant's proposed premises does not comply with the  
24 sensitive use buffers in subsection (1) through (4) of Section 5.92.420.A.

25 B. Whenever a permit has been revoked, no other similar  
26 application by such permittee for an Adult-Use Cannabis Business Permit  
27 shall be considered for a period of five (5) years from either the date the  
28 notice of the permit revocation was mailed or the date of the final decision

1 of the City Council to revoke the permit, whichever is later.

2 C. The provisions of subsections (A) and (B), above, apply to all  
3 of the following:

4 1. Any individual whose permit was revoked or whose  
5 application was denied who later becomes a director or officer of a  
6 corporation, profit or nonprofit, or a member of a partnership or a person  
7 owning or possessing any portion of the shares of a corporation seeking to  
8 obtain a new permit.

9 2. A corporation, profit or nonprofit, whose permit was  
10 revoked or application was denied, to any of its directors or officers or to  
11 any person who owned any portion of its shares, who attempts by way of a  
12 new corporation or using their individual names or becoming a member of a  
13 partnership or a director or officer or a person owning or possessing any  
14 portion of the shares in another corporation seeking to obtain a new permit.

15 D. Effect of suspension, revocation, or denial on Co-Located  
16 Cannabis Business Permits.

17 1. Suspension of a permittee's co-located Adult-Use  
18 Cannabis Business Permit or Medical Marijuana Business Permit, shall  
19 immediately suspend the permittee's other co-located permit for the same  
20 premises and permittee's ability to operate a Commercial Cannabis  
21 Business within the City, until the City reinstates or reissues permittee's  
22 Adult-Use Cannabis Business Permit and Medical Marijuana Business  
23 Permit.

24 2. Revocation or termination of a permittee's co-located  
25 Adult-Use Cannabis Business Permit or Medical Marijuana Business  
26 Permit, shall also immediately revoke, terminate, or surrender permittee's  
27 co-located permit for the same premises, and permittee's ability to operate  
28 a Commercial Cannabis Business from that premises.

1                                   3.       Surrender of the permittee’s co-located Medical  
2 Marijuana Dispensary permit shall also immediately revoke, terminate, or  
3 surrender the permittee’s co-located Adult-Use Cannabis Dispensary  
4 Permit for the same premises, and permittee’s ability to operate a  
5 Commercial Cannabis Business from that premises.

6                                   E.       Effect of suspension, revocation, or denial on State licenses.

7                                   1.       Suspension of a permittee’s State license shall  
8 immediately suspend the permittee’s Adult-Use Cannabis Business Permit,  
9 any co-located Medical Marijuana Business Permits for the same premises,  
10 and permittee’s ability to operate a Commercial Cannabis Business within  
11 the City, until the State, or its respective department or division, reinstates  
12 or reissues permittee’s State license.

13                                  2.       Revocation, termination, or surrender of a permittee’s  
14 State license shall immediately suspend the permittee’s Adult-Use  
15 Cannabis Business Permit, any co-located Medical Marijuana Business  
16 Permits for the same premises, and permittee’s ability to operate a  
17 Commercial Cannabis Business within the City.

18 5.92.1560   Criminal penalty.

19                                  Any person who violates any provision of this Chapter is guilty of a  
20 misdemeanor, and upon conviction thereof, may be punished by a fine of not more  
21 than one thousand dollars (\$1,000.00), or by imprisonment in the City or county jail  
22 for a period not exceeding six (6) months, or by both such fine and imprisonment.

23 5.92.1565   Administrative civil penalties.

24                                  A.       Administrative citations. In addition to all other legal remedies  
25 at law, violations of this Chapter and building, health, and safety violations  
26 caused as a result of a violation of this Chapter are enforceable using the  
27 administrative citation procedures set forth in Chapter 9.65 of this Code.

28                                  1.       Administrative citations for violations of this Chapter

1 shall be set by resolution of the City Council pursuant to Chapter 9.65 of  
2 this Code for any violation of the Long Beach Municipal Code that could  
3 potentially be criminally cited as an infraction.

4 2. Fines for illegal cannabis operations shall be set by  
5 resolution of the City Council pursuant to Chapter 9.65 of this Code.

6 B. Administrative penalties imposed pursuant to this Section also  
7 constitute a personal obligation on each person who causes, permits,  
8 maintains, conducts, or otherwise suffers or allows the nuisance to exist. In  
9 the event administrative penalties are imposed pursuant to this Section on  
10 two (2) or more persons for the same violation, all such persons are jointly  
11 and severally liable for the full amount of the penalties imposed.

12 C. In addition to any other remedy, the City may prosecute a civil  
13 action through the City Attorney to collect any administrative penalty  
14 imposed pursuant to this Chapter.

15 5.92.1570 Actions for injunctive relief and civil penalties.

16 A. As an alternative, or in addition to any other remedy, the City  
17 Attorney may enforce the provisions of this Chapter against any illegal  
18 cannabis operation and/or property owner in any court of competent  
19 jurisdiction. The City Attorney may apply to such court for an order seeking  
20 injunctive relief to abate or remove any nuisance caused, maintained, or  
21 permitted by an illegal cannabis operation and/or property owner, to restrain  
22 any illegal cannabis operation and/or property owner from taking any action  
23 contrary to the provisions of this Chapter or other applicable law; and/or to  
24 require any illegal cannabis operation and/or property owner to take any  
25 action to comply with this Chapter or other applicable law.

26 B. In any civil court action brought by the City Attorney pursuant  
27 to this Section in which the City succeeds in obtaining an order from the  
28 court, the City shall be entitled to recover from an illegal cannabis operation

1 and/or property owner all of the City's costs of investigation, enforcement,  
2 abatement, destruction, and litigation, including but not limited to attorneys'  
3 fees.

4 C. Civil penalties.

5 1. The City is entitled to recover civil penalties against an  
6 illegal cannabis operation and/or property owner a maximum amount of five  
7 thousand dollars (\$5,000.00) per violation for each day an illegal cannabis  
8 operation is operated, permitted, or maintained on the subject property, and  
9 the court may order the destruction of cannabis associated with that  
10 violation in accordance with California Health and Safety Code Section  
11 11479.

12 2. In assessing the amount of a civil penalty, the court  
13 shall consider any one or more of the relevant circumstances presented by  
14 any of the parties to the case, including, but not limited to, the following:

- 15 a. The nature and seriousness of the violation;
- 16 b. Any economic benefit gained through the  
17 violation;
- 18 c. The number of violations;
- 19 d. The length of time over which the violation  
20 occurred;
- 21 e. The willfulness of the defendant's violation; and
- 22 f. The defendant's assets, liabilities, and net worth.

23 D. The City Attorney is authorized, without further direction from  
24 the City Council, to institute any civil actions permitted pursuant to this  
25 Section.

26 5.92.1575 Liens and special assessments.

27 A. Notwithstanding any other provision of this Chapter to the  
28 contrary, the costs incurred by the City in the abatement of a violation or

1 nuisance may be placed against any privately owned and affected property  
2 as either a nuisance abatement lien or a special assessment lien pursuant  
3 to California Government Code Section 38771 et seq., as amended from  
4 time-to-time, or a lien pursuant to California Government Code Section  
5 54988, as amended from time to time.

6 B. Liens. All actual costs required by this Section constitute a lien  
7 upon the property upon which the Adult-Use Cannabis Business is situated.  
8 The lien for any inspection, enforcement, or abatement costs may attach  
9 thirty (30) days after the responsible parties are notified of the costs, and  
10 will remain until the costs are paid or the premises is sold in payment  
11 thereof.

12 C. Lien enforcement. The City may enforce a lien under this  
13 Chapter in any manner permitted by law, including filing a civil action either  
14 to foreclose on its liens or to obtain a money judgment or both, or pursuing  
15 non-judicial foreclosure.

16 D. Conversion of liens. The City may elect, upon thirty (30)  
17 calendar days written notice to all known and record owners of the privately  
18 owned and affected property, to convert any nuisance abatement lien  
19 authorized by this Chapter to a special assessment lien, or vice versa.  
20 Costs recoverable under this Chapter may include those categories of costs  
21 and fees set forth in Civil Code Section 3496, regardless of the type of  
22 nuisance involved.

23 E. Special Assessment. If the property is specially assessed,  
24 said assessment may be collected at the same time and in the same  
25 manner as ordinary real property taxes are collected and will be subject to  
26 the same penalties and the same procedure and sale in case of  
27 delinquency as provided for ordinary real property taxes. All laws applicable  
28 to the levy, collection, and enforcement of real property taxes are applicable

1 to the special assessment.

2 5.92.1580 Prohibited premises sites due to prior illegal cannabis operations.

3 A. The City may, in its sole discretion, take any action as  
4 specified in this subsection.

5 B. If the City discovers an illegal cannabis operation is currently  
6 and/or was operating within the previous sixty (60) days at or on a property,  
7 or any portion thereof, without valid State or City permits or licenses the  
8 City may take action as specified herein. The City shall notify the property  
9 owner in writing of their right to file, within fifteen (15) days after the date of  
10 mailing of the Notice, written request of a hearing to the City disputing the  
11 alleged illegal cannabis operation. Such written request shall set forth the  
12 specific ground(s) on which the dispute is based and the property owner  
13 shall pay to the City at the time of filing said written request a filing fee in an  
14 amount to be set by resolution of the City Council.

15 C. Failure to file the written request within the time period  
16 specified shall result in waiver of any right to dispute the allegation of  
17 operation of an illegal cannabis operation at the subject property. In the  
18 event of such waiver, no Commercial Cannabis Business, whether licensed  
19 or non-licensed, shall be permitted to operate at the subject property for a  
20 period of one (1) year from the 16th day after the date of mailing of the  
21 Notice.

22 D. The illegal cannabis operation and/or property owner shall  
23 have the right of appeal as set forth in Section 5.92.1445.

24 E. Whenever it has been determined that an illegal cannabis  
25 operation was and/or is in operation, no Commercial Cannabis Business,  
26 whether licensed or non-licensed, shall be permitted to operate at the  
27 subject property for a period of one (1) year from the effective date of such  
28 determination.



1 F. The prohibitions contained in this Section are sufficient  
2 grounds to deny any application for operation of a Commercial Cannabis  
3 Business or cannabis operation at the subject property received within the  
4 one (1) year time.

5 G. In the event the City revokes a Property Owner's Non-  
6 Residential Rental Business License for violating this Chapter, no  
7 Commercial Cannabis Business or cannabis operation, whether licensed or  
8 non-licensed, is permitted to operate at the subject property for a period of  
9 five (5) years from the effective date of revocation of the Non-Residential  
10 Rental Business License. Such revocation is sufficient grounds to deny any  
11 application for operation of a Commercial Cannabis Business or cannabis  
12 operation at the subject property received within the five (5) year period.  
13 This prohibition shall also remain in effect in the event a property owner (or  
14 an entity owned by or affiliated with such property owner) obtains another  
15 Non-Residential Rental Business License anytime within the five (5) year  
16 period for the subject property.

17 5.92.1585 Disconnection of utilities.

18 A. To the maximum extent permitted by law, and in accordance  
19 with the processes thereof, the City may discontinue utility services to any  
20 premises upon which an illegal cannabis operation is operating.

21 B. Prior to the disconnection of utility services, the City must  
22 notify, wherever possible, the property owner and occupant of the building,  
23 structure, or premises upon which the illegal cannabis operation is  
24 operating, of the decision to disconnect the utility service(s) and the  
25 reason(s) for service suspension at least seven (7) calendar days before  
26 taking such action, unless a different period of notification is mandated by  
27 law; provided that the City's Building Official may dispense with any attempt  
28 at prior notification if, in the sole discretion of the Building Official, the

1 nature or severity of any apparent dangerous hazard justifies such  
2 disconnection in accordance with other provisions of this Code.

3 C. In the event utilities are disconnected, the Building Official  
4 must notify the owner or occupant of the building, structure, or premises in  
5 writing of the disconnection as soon as practical thereafter.

6 D. Disconnected utilities shall not be re-established until an  
7 inspection has been made by the City's Building Official and the Building  
8 Official has determined that the unlawful illegal cannabis operation has  
9 ceased operations; that any imminent hazard has been abated or  
10 eliminated (if applicable); that the building complies with applicable law; and  
11 that any applicable fees for disconnection, reconnection, penalties, and/or  
12 other related services have been paid.

13 E. Removing or defacing a notice posted in relation to this  
14 provision shall constitute a separate and distinct violation of this Chapter.

15 5.92.1590 Medical Marijuana Task Force.

16 The authority, powers, and duties of the Medical Marijuana Task Force,  
17 established pursuant to Section 5.90.260 of this Code, are limited exclusively to  
18 the provisions in Chapter 5.90 and shall not extend to any applicant, permittee,  
19 Adult-Use Cannabis Business, and/or Medical Marijuana Business electing to  
20 engage in commercial cannabis activity pursuant to this Chapter.

21 5.92.1595 Severability.

22 In the event, any provision in this Chapter is deemed invalid, illegal, or  
23 unenforceable, the validity, legality and enforceability of the remaining provisions  
24 shall not in any way be affected or impaired thereby and such provision is  
25 ineffective only to the extent of such invalidity, illegality, or unenforceability.

26  
27 DIVISION XII - EQUITY PROGRAM  
28

1           5.92.1610   Equity employee eligibility

2                   A.    To be eligible for the Equity Program as an equity employee,  
3                   an individual shall satisfy the following criteria:

4                           1.    Be a natural person; and

5                           2.    In the last year, have had an annual family income at or  
6                   below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los  
7                   Angeles County) Area Median Income (AMI) adjusted for family size, and a  
8                   net worth below \$250,000; and

9                           3.    The individual satisfies at least one of the following  
10                  criteria:

11                           a.    Has lived in a Long Beach census tract for a  
12                  minimum of three (3) years where at least fifty-one percent (51%) of current  
13                  residents have a household income at or below eighty percent (80%) of the  
14                  Los Angeles County Area Median Income; or

15                           b.    Was arrested or convicted for a crime relating to  
16                  the sale, possession, use, or cultivation of cannabis in the City of Long  
17                  Beach prior to November 8, 2016 that could have been prosecuted as a  
18                  misdemeanor or citation under current California law; or

19                           c.    Is a Long Beach resident currently receiving  
20                  unemployment benefits.

21           5.92.1615   Equity applicant eligibility.

22                   A.    To be eligible for the Equity Program as an equity applicant,  
23                   an individual shall satisfy the following criteria:

24                           1.    Be a natural person; and

25                           2.    In the last year, have had an annual family income at or  
26                   below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los  
27                   Angeles County) Area Median Income (AMI) adjusted for family size, and a  
28                   net worth below \$250,000; and

1                   3.       Has lived in a Long Beach census tract for a minimum  
2 of five (5) years, either consecutively or in total, where at least fifty-one  
3 percent (51%) of current residents have a household income at or below  
4 eighty percent (80%) of the Los Angeles County Area Median Income; and

5                   4.       Meets at least one of the following criteria:

6                   a.       During the period 1971-2016, was arrested for,  
7 convicted of, or adjudged to be a ward of the juvenile court for any crime  
8 under the laws of California or any other jurisdiction relating to the sale,  
9 possession, use, manufacture, or cultivation of cannabis; or

10                  b.       Has a parent, sibling, or child who, during the  
11 period of 1971-2016, was arrested for, convicted of, or adjudged to be a  
12 ward of the juvenile court for any crime under the laws of California or any  
13 other jurisdiction relating to the sale, possession, use, manufacture, or  
14 cultivation of cannabis.

15       5.92.1620   Equity business eligibility.

16                   To be eligible for the Equity Program as an Equity Business, majority  
17 ownership of the business must be held by equity applicant(s). If the cannabis  
18 business has one equity applicant listed as an owner, a minimum of fifty-one  
19 percent (51%) ownership in the cannabis business must be held by the equity  
20 applicant. If the cannabis business will have multiple equity applicants listed as  
21 owners of the cannabis business, any one (1) of the equity applicants must hold  
22 majority ownership interest in the cannabis business.

23       5.92.1625   Application required.

24                  A.       Any person seeking to be qualified as a Verified Equity  
25 Applicant or Verified Equity Employee shall submit a written application to  
26 the City, signed under penalty of perjury, using the form approved by the  
27 City for that purpose and in the manner required by the Director of  
28 Economic Development. All applications shall contain, at a minimum, the

1 following information and documents:

2 1. Applicant Information

- 3 a. The legal name of the applicant.  
4 b. The applicant's mailing address, e-mail address,  
5 and telephone number.

6 2. Proof of income

7 a. All income documents must list the first and last  
8 name of the equity applicant and be effective within the last year.

9 b. A minimum of last year's federal tax return and  
10 at least one (1) of the following approved documents listed below shall be  
11 considered acceptable proof of residency:

12 (i) Wage and tax statement (W-2, 1099, or  
13 other Federal income reporting document)

14 (ii) Two (2) months of most recent pay stubs,  
15 or

16 (iii) Proof of current eligibility for General  
17 Relief (GR), CalFresh (Food Stamps), Medical/CalWORKs, Supplemental  
18 Security Income (SSI), or Social Security Disability (SSDI).

19 3. Proof of Residency

20 a. A minimum of two (2) of the supporting  
21 documents listed below, evidencing a minimum of five (5) years of  
22 residency, whether consecutive or in total, shall be considered acceptable  
23 proof of residency. All residency documents must list the first and last name  
24 of the equity applicant and the Long Beach residence address in a  
25 qualifying Long Beach census tract pursuant to Section 5.92.1620.A.3:

26 (i) California Driver's record or permanent  
27 Driver's License or AB 60 Driver's License; or

28 (ii) California identification card record; or

1 (iii) Property tax billing and payments from  
2 the LA County Assessor; or

3 (iv) Verified copies of State or Federal  
4 income tax returns where a Long Beach address within a qualifying Long  
5 Beach census tracts pursuant to Section 5.92.1620.A.3 is listed as a  
6 primary address; or

7 (v) School records; or

8 (vi) Medical records; or

9 (vii) Banking records; or

10 (viii) Long Beach Housing Authority records; or

11 (ix) Utility, cable, or internet company billing

12 and payment covering any month in each of the five (5) years.

13 4. Proof of Cannabis Criminalization

14 a. Proof of cannabis arrest or conviction should be  
15 demonstrated through court documents, probation documents, Department  
16 of Corrections or Federal Bureau of Prisons documentation. Documentation  
17 needs to include the following:

18 (i) Date of the offense or arrest

19 (ii) Charges filed

20 (iii) Name of defendant

21 (iv) Exact location of offense or arrest that

22 occurred in Long Beach, CA.

23 5.92.1630 Incomplete applications.

24 A. Upon review of an application, if an application is determined  
25 to be incomplete, the City shall provide notice to the applicant, who shall  
26 have ninety (90) calendar days to correct all deficiencies in the application.

27 B. If the applicant fails to correct said deficiencies within the  
28 ninety (90) day period, the application shall be deemed abandoned, void,

1 and of no further force and effect. The applicant may reapply at any time  
2 following an abandoned application.

3 C. The Director of Economic Development may extend the  
4 deadline upon showing of good cause by the applicant for the inability to  
5 provide all required information by the deadline, if a written request for an  
6 extension is received no later than ten (10) calendar days prior to the  
7 deadline. For purposes of this subsection, the term "good cause" shall  
8 mean the applicant's failure to complete the application process occurred  
9 due to circumstances outside of the applicant's control.

10 5.92.1635 Application rejection.

11 Upon review of an application, if an application is determined to not meet  
12 the criteria to be verified as an equity applicant or equity employee, the City shall  
13 have the right to reject said application. All rejections are final and may not be  
14 appealed. An equity applicant may reapply at any time after having an application  
15 rejected.

16 5.92.1640 Assistance available to equity applicants.

17 A sole equity applicant that intends to apply for an Adult-Use Cannabis  
18 Business Permit as an equity business, shall be eligible to receive direct technical  
19 assistance prior to the application process to acquire the knowledge and/or skills  
20 necessary in order to gain entry to, and to successfully operate in, the regulated  
21 cannabis marketplace. Direct technical assistance includes:

22 A. One-on-one consulting and training, including direct  
23 interactions in group settings, to provide equity applicants and licensees the  
24 technical knowledge and expertise necessary to facilitate business  
25 ownership and employment in the cannabis industry.

26 B. Small business support services, professional mentorship  
27 services, training and education regarding state cannabis licensing and  
28 regulatory requirements, manufacturing assistance, financial management,

1 and business resilience such as emergency preparedness.

2 5.92.1645 Assistance available to equity businesses.

3 A sole equity applicant or group of equity applicants applying for an Adult-  
4 Use Cannabis Business Permit as an equity business, shall be eligible to receive  
5 the following assistance during the application process: expedited Adult-Use  
6 Cannabis Business Permit application review; Adult-Use Cannabis Business  
7 Permit application and compliance assistance; cultivation business license tax  
8 deferrals during the first year; expedited building plan check review; waivers of  
9 City permitting fees; and direct grants as provided by the State of California.

10 5.92.1650 Assistance per household.

11 Assistance as part of the Equity Program will only be provided to one (1)  
12 verified equity applicant per household. Assistance will not be provided to multiple  
13 equity applicants living within the same household and/or the equity applicant is  
14 listed as a dependent on another equity applicants tax filings.

15 5.92.1655 Equity business transfer of ownership requirements.

16 Equity Businesses are prohibited from transferring majority ownership  
17 interest to a non-equity applicant, for ten years after the issuance of the Adult-Use  
18 Cannabis Business License for that cannabis business. Exceptions may be  
19 granted by the City Manager, or their designee, for an extenuating circumstance  
20 preventing an equity applicant(s) from continuing to hold ownership in the  
21 Cannabis Business.

22 5.92.1660 Requirements for all Adult-Use Cannabis Businesses.

23 Adult-Use Cannabis Businesses that do not qualify for the Equity Program  
24 shall comply with the following requirements:

25 A. Employment.

26 1. Adult-Use Cannabis Businesses that do not qualify for  
27 the Equity Program shall employ equity employees for a minimum of forty  
28 percent (40%) of total annual work hours performed at the business. Upon



1 a showing of good cause by an Adult-Use Cannabis Business, the City  
2 Manager may waive the employment requirement.

3 2. Compliance. To ensure compliance with this  
4 requirement, Adult-Use Cannabis Businesses shall submit certified payroll  
5 records to the City Manager at such frequency as determined by the City  
6 Manager. Adult-Use Cannabis Businesses that fail to meet this requirement  
7 may be subject to penalties pursuant to this Chapter, including but not  
8 limited to, suspension or revocation of the Adult-Use Cannabis Business  
9 Permit pursuant to Section 5.92.1540. To avoid penalties for  
10 noncompliance, a business may demonstrate that it utilized its best efforts  
11 to hire and employ individuals that meet the criteria in Section 5.92.1620.A  
12 by detailing all efforts made and affixing documents to support such efforts.

13 B. Support for equity businesses. Adult-Use Cannabis Business  
14 shall submit a Community Reinvestment and Small Business Incubation  
15 Plan to the City describing how they intend to support equity businesses,  
16 adjacent neighborhoods, and communities within the eligible social equity  
17 program census tracts. Support for equity businesses may include, but shall  
18 not be limited to, business plan guidance at the time of application,  
19 business operations consulting, and industry specific technical assistance,  
20 shelf space for cannabis goods cultivated or manufactured by equity  
21 businesses, or any other form of support by an Adult-Use Cannabis  
22 Business consistent with the intent and spirit of this Division.

23 C. Labor peace agreement. Any Adult-Use Cannabis Business  
24 with two (2) or more employees (as defined by California Business and  
25 Professions Code 26051.5(a)(5)) shall provide a statement at the time of  
26 application that the applicant will enter into, or demonstrate that it has  
27 already entered into, and abide by the terms of a labor peace agreement.

28 5.92.1665 Authority to develop and implement Equity Program.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of this Division to develop and implement and administrative program for this Equity Program. Regulations promulgated by the City Manager become effective upon date of publication, unless specified otherwise.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2022, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802